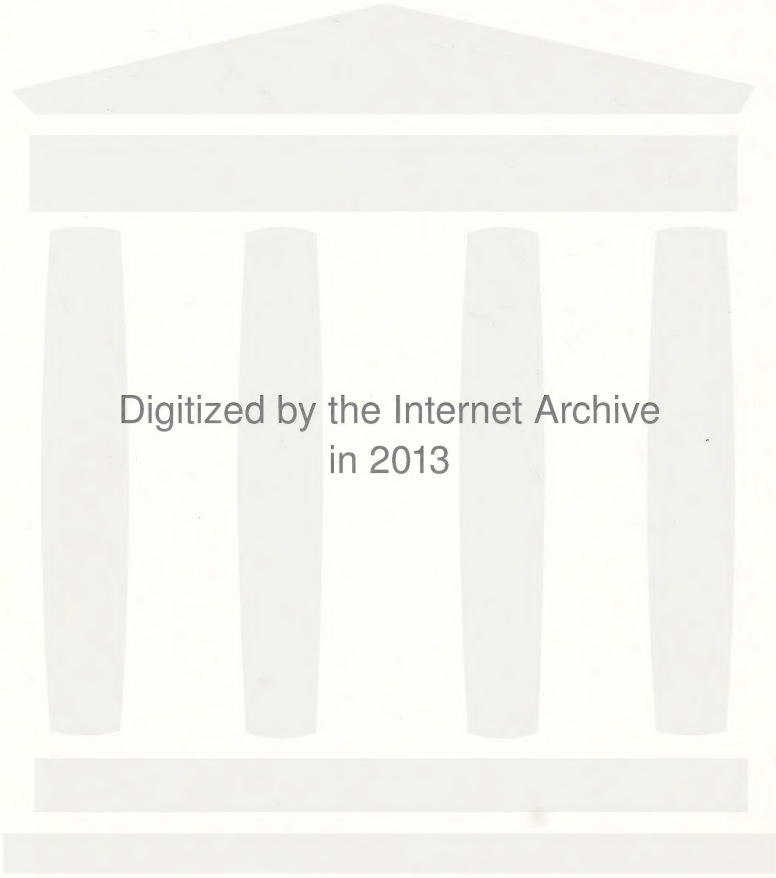
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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

FIRST SESSION

1987

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OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
1987 GENERAL ASSEMBLY
FIRST SESSION 1987

ROBERT B. JORDAN III, President ..... Mt. Gilead
J. J. HARRINGTON, President Pro Tempore ..... Lewiston-Woodville
KENNETH C. ROYALL JR., Deputy President Pro Tempore ..... Durham
ANTHONY E. RAND, Majority Leader ..... Fayetteville
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms ..... Cary

DISTRICT	NAME OF SENATOR	CITY of RESIDENCE
1	MARC BASNIGHT	Manteo
2	J.J. HARRINGTON	Lewiston-Woodville
3	WILLIAM H. BARKER	Vanceboro
4	A. D. GUY	Jacksonville
5	HAROLD W. HARDISON	Deep Run
6	R. L. MARTIN	Bethel
7	FRANKLIN BLOCK	Wrightsville Beach
8	HENSON P. BARNES	Goldsboro
9	THOMAS F. TAFT	Greenville
10	JAMES E. EZZEL, JR.	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	ANTHONY E. RAND	Fayetteville
	LURA S. TALLY	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham
	RALPH A. HUNT	Durham
14	JOSEPH E. JOHNSON	Raleigh
	WILLIAM W. STATON	Sanford
	J. K. SHERRON, JR.	Raleigh
15	ROBERT D. WARREN	Benson
16	RUSSELL G. WALKER	Asheboro
	WANDA H. HUNT	Pinehurst
17	J. RICHARD CONDER	Rockingham
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR	Tabor City
19	ROBERT G. SHAW	Greensboro
20	MARVIN M. WARD	Winston-Salem
	TED KAPLAN	Winston-Salem
21	GEORGE B. DANIEL	Yanceyville
22	JAMES C. JOHNSON, JR.	Concord
23	ROBERT VANCE SOMERS	Salisbury
	PAUL S. SMITH	Salisbury
24	WILLIAM D. GOLDSTON, JR.	Eden
	A. P. SANDS III	Reidsville
25	J. OLLIE HARRIS	Kings Mountain
	HELEN RIIYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
26	AUSTIN M. ALLRAN	Hickory
	WILLIAM W. REDMAN, JR.*	Statesville
	HOWARD F. BRYAN	Statesville
27	DONALD R. KINCAID	Lenoir
	DANIEL R. SIMPSON	Morganton
28	ROBERT S. SWAIN	Asheville
	DENNIS J. WINNER	Asheville
29	CHARLES WILLIAM HIPPS	Waynesville
	R. P. THOMAS	Hendersonville
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	MARY P. SEYMOUR	Greensboro
33	JAMES F. RICHARDSON	Charlotte
34	JAMES D. McDUFFIE	Charlotte
35	LAURENCE A. COBB	Charlotte

* (Resigned March 11, 1987)(Unexpired Term filled March 12, 1987)
(See Appendix for Senatorial Districts)

SENATE JOURNAL
FIRST SESSION 1987

FIRST DAY

SENATE CHAMBER,
Monday, February 9, 1987.

In accordance with law, as set forth in the Constitution of the State of North Carolina and G.S. 120-11.1 and Chapter 994 of the Session Laws of the 1985 General Assembly, the Senate of the General Assembly of North Carolina assembles this day, at the hour of 1:00 P.M., in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Robert B. Jordan III, Lieutenant Governor, calls the Senate to order.

Prayer is offered by Bishop L. Bevel Jones III, Resident Bishop of the Western North Carolina Conference of the United Methodist Church, Charlotte, North Carolina, as follows:

"Almighty God, Who in times past led our mothers and fathers to these bountiful shores, and Whose guiding hand has made and preserved us a nation--Thy grace has been richly shed upon us. Thou didst inspire the founders of this republic to establish our government in constitutional law, thus promoting and protecting the rights of all our citizens equally. Grant, O God, that we shall ever cherish and refine that freedom in which we stand. Forbid that we should ever presume upon it, take it for granted, pervert it for selfish gain. Remind us that responsibility is the fabric of freedom, and truth the foundation of civilization. Give us a sense of the dynamic of democracy, the aliveness of legislation. Impress upon us that new occasions teach new duties, and time makes ancient good uncouth. Thou art just and righteous, a God Who delights in fairness and truth, and Whose face is ever set against tyranny and oppression. Undergird us in these unsettling times by Thy wisdom and uphold us by Thy love. 'Thy love divine hath led us in the past; in this free land by Thee our lot is cast; be Thou our ruler, guardian, guide, and stay; Thy Word our law, Thy paths our chosen way.' Amen."

Led by the Lieutenant Governor, the Senators-elect and distinguished guests remain standing, and pledge their allegiance to the United States of America.

The Chair directs the Reading Clerk of the 1985 Session to call the roll and the following Senators-elect appear with the proper certificates of election:

First District	Marc Basnight
Second District	J.J. Harrington
Third District	Wiliam H. Barker
Fourth District	A.D. Guy
Fifth District	Harold W. Hardison
Sixth District	R. L. Martin
Seventh District	Frank Block
Eighth District	Henson P. Barnes
Ninth District	Tom Taft

Tenth District	
Eleventh District	James D. Speed
Twelfth District	Anthony E. Rand Lura S. Tally
Thirteenth District	Kenneth C. Royall, Jr. Ralph A. Hunt
Fourteenth District	Joseph E. Johnson William W. Staton J. K. Sherron
Fifteenth District	Robert D. Warren
Sixteenth District	Russell Walker Wanda H. Hunt
Seventeenth District	J. Richard Conder Aaron W. Plyler
Eighteenth District	R.C. Soles, Jr.
Nineteenth District	Robert G. Shaw
Twentieth District	Marvin M. Ward Ted Kaplan
Twenty-first District	George B. Daniel
Twenty-second District	James C. Johnson, Jr.
Twenty-third District	Robert Vance Somers Paul S. Smith
Twenty-fourth District	William D. Goldston, Jr. A. P. Sands III
Twenty-fifth District	J. Ollie Harris Helen Rhyne Marvin Marshall A. Rauch
Twenty-sixth District	Austin M. Allran Bill Redman
Twenty-seventh District	Donald R. Kincaid Dan R. Simpson
Twenty-eighth District	Robert S. Swain Dennis J. Winner
Twenty-ninth District	Charles William Hipps R. P. Thomas
Thirtieth District	David Parnell
Thirty-first District	William N. Martin
Thirty-second District	Mary P. Seymour
Thirty-third District	James F. Richardson
Thirty-fourth District	James D. McDuffie
Thirty-fifth District	Laurence A. Cobb

Those present take and subscribe to the following oath of office, which is administered by the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court of North Carolina.

"I do solemnly swear or affirm that I will support and maintain the Constitution and laws of the United States; and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 1987 General Assembly of the State of North Carolina to the best of my skill and ability, according to law, so help me, God."

To which oath each Senator answers, "I do."

The President declares a quorum of the Senate present.

The President expresses appreciation to the Justices and Judges of the General Court of Justice for their participation in today's opening ceremonies.

The President directs Senator Harrington to approach the dais and relinquishes the gavel.

Without objection, the President addresses the membership and upon the motion of Senator Taft, his remarks are spread upon the Journal, as follows:

REMARKS BY LIEUTENANT GOVERNOR ROBERT B. JORDAN III

"Welcome to the 137th Session of the North Carolina General Assembly. I congratulate each of you Senators.

"You have just taken the oath of office and started a challenging opportunity for you and for our great State.

"To the families and guests of the Senators each of you in your own way helped make this day possible.

"To our distinguished guests, members of the Council of State, the Judiciary, representatives of the Executive Branch and visitors welcome.

"To my wife Sarah and my family thank you for your care and support.

"We are indeed a most fortunate people in North Carolina. Our ancestors worked long and hard and at great risk to bring us to this time. A time filled with possibilities for securing the future for ourselves and for our children. But there is no guarantee for a great future, only an opportunity.

"And today we in the Legislature have a clear choice. Do we adhere to the status quo, allowing our destiny to be shaped by forces outside North Carolina? Or do we build on the opportunity given us and ensure that the future of North Carolina is shaped by North Carolina?

"The choice is clear. The work is challenging. The rewards are certain.

"On Opening Day in 1985, I stated, 'The citizens of North Carolina have elected us to chart a sound and enduring course for the State... as it now moves into the closing years of this century. We must build upon past accomplishments, and we must utilize the available resources to the fullest as we chart the course for the future.' The same holds true for this Session. The course will not be easy. But progress never is.

"In 1985, we recognized the need for change. The General Assembly established the North Carolina Commission on Jobs and Economic Growth to plan for the chang-

ing complex nature of our position in the nation and the world. The result is a proposal that is innovative in substance, bold in approach and realistic in its applications. It embraces a partnership between citizens and their government. I propose a 'growth from within' strategy that builds on the strengths of our people and the full resources of our State. And to nurture this partnership, I ask that the General Assembly pass legislation to establish a Rural Economic Development Corporation to revitalize our rural communities.

"I ask that we target resources to areas of greatest need and recognize that education is the foundation for tomorrow's North Carolina. Too often, we accept the false notion that the fight for our future is a mysterious battle that will take place in some strange and far away land. It is not. It is being waged every day in math classes in Northampton County, in biology labs in Mecklenburg and in kindergartens in Haywood County. Recognizing this critical need, we in the General Assembly passed the landmark Basic Education Program in 1985 and now warmly welcome our Governor's support of our initiative. We invite him to join us as a full partner in the daily battle to secure the future for young North Carolinians.

"The Basic Education Program was an historic step but certainly not the completion of our journey. We need to do more. We must raise the level of excellence in our schools and restore pride in teaching. In 1987, we must strengthen teacher education and recruit talented young people by funding a Teaching Fellows Scholarship Program. We should pilot the lead teacher concept in our schools and take a new look at teacher and student performance.

"State government cannot be passive. We cannot let events wash over us like a flood. Our government must work as a partner with its citizens in areas of legitimate concern. Nowhere is that approach more urgent and necessary than in the area of protecting our God-given resources our water, our air, and our land.

"Because North Carolina is such a blessed and special place, we in government must be vigilant in protecting our precious resources.

"We must never look at ourselves as occupiers of the land, for we are indeed its stewards.

"A European navigator who explored the North Carolina coast in 1524 described our State with its 'faire fields and plains, its good and wholesome aire, its beautiful trees, greater and better than any in Europe, as pleasant and delectable to behold, as is possible to imagine.'

"Well, that is the legacy we want to leave to the next generation.

"The concept that it is not proper for state government to protect the environment or that aggressive measures taken to protect our citizens is bad business is not only shortsighted, but extremely dangerous. The truth is that business will not move to or stay anywhere where water is undrinkable. Therefore, I urge the General Assembly to enact legislation to ban phosphate detergents and to work with the federal government in cleaning up abandoned toxic waste sites.

"While we in North Carolina are a frugal people, we are a caring people too. And we want North Carolina to be judged as much by our concern for our neighbors as by our dedication to wise management of the public purse. The greatest weapons we possess in our fight for the future are our values. And no value in North Carolina is stronger than our sense of compassion for our neighbors. We can never allow ourselves to ignore the homeless, the hungry and those who cannot care for themselves. A most basic and ancient need of those families is adequate shelter. Our sense of family compels us to provide a Housing Trust Fund to assist deserving families with

shelter and warmth for their children. We are only as strong as the sum of our parts. And our job is unfinished.

"The voices of caution will say go slow.

"They will attempt to fill us with the fear that the fight for the future is too risky.

"We cannot throw up our hands at our future. We must instead, throw our talents and energy at making a better tomorrow in North Carolina.

"I urge that this General Assembly, collectively and strongly, reject the siren song of the status quo.

"Make no mistake about it, North Carolina's enemy is not Japan. North Carolina's enemy is not a changing world.

"Our enemy is the status quo.

"And our enemy is a government that doesn't believe as strongly in the people of North Carolina as the people of North Carolina believe in themselves.

"Oliver Wendell Holmes once said, 'I find the greatest thing in this world is not so much where we stand,... as in what direction we are moving.' Let the disciples of the status quo hear this clearly, what we don't get done this session, we will come back the next and try again. So we are faced with the challenge of securing a future for North Carolina. Let us secure a future worthy of our noble past. Let us rise to that challenge-- together!

"For if we do as we must, one hundred years from now one of our children's children will stand here and say, 'Our ancestors worked long and hard and at great risk to bring us to this time. A time filled with possibilites for securing the future for ourselves and for our children.'"

The President assumes the gavel and announces the Senate is ready to proceed with election of officers.

ELECTION OF OFFICERS

Senator Taft offers a motion that the remarks of the Senators offering nominations be spread upon the Journal, which motion prevails. (See Appendix)

The President recognizes Senator Royall who offers the following remarks:

"Mr. President, Honorable members of the Judiciary, distinguished visitors and guests, and my esteemed colleagues of the Senate.

"In olden times, the General Assembly's sessions were held in the Northeastern part of North Carolina known as the Albemarle.

"The well-known writer, Inglis Fletcher, described the Albemarle legislators in these words: 'The Albemarle men made a good showing. They were distinguished men of breeding, men of intelligence, but above everything, men of decision and proud integrity. They called them the iron men of the Albemarle.'

"This description applies to a modern-day man of the Albemarle, Senator J. J. 'Monk' Harrington, a member of this Body for a quarter of a century. It is with the greatest of pleasure and a feeling of honor that I place his name in nomination for election to the office of President *Pro Tempore*.

"He has performed the duties of that Office in a fine manner the past two years. I know of few persons who have filled the position with greater ability and dedication to duty.

"It has been my good fortune to serve with 'Monk' Harrington in every session of the Legislature since 1967. No member of this Body commands greater respect or is characterized by greater qualities of integrity, conviction and know-how.

"He is a gentleman in the classic sense of the word, an independent thinker, a model of decent and effective public service, and a compassionate, friendly, caring human being.

"He must surely feel proud that his labors in the vineyard of public service have earned such high marks from those whom he has served.

"I am pleased and proud to nominate for the office of President *Pro Tempore* the distinguished Senator from the Albemarle, the Honorable J. J. 'Monk' Harrington.

The President recognizes Senator Parnell who offers the following remarks:

"Thank you, Mr. President. Ladies and Gentlemen of the Senate.

"It is a very distinct honor that I have to rise to second the nomination of Senator J. J. 'Monk' Harrington from Bertie County, for the position of President *Pro Tempore* of the North Carolina Senate.

"I know of no one serving in the North Carolina General Assembly with better credentials to hold this position of leadership than my friend 'Monk' Harrington.

"'Monk' Harrington is a businessman, he is a farmer, he is a politician, he is a legislator, and most of all he is a statesman who knows how to get things done.

"'Monk' Harrington has served this great State of ours with honor and distinction as a member of the North Carolina Senate since 1963, **total of 24 years.**

"He has made major contributions to our State and particularly in the highway system of North Carolina through his service as Chairman of the Senate Transportation Committee. In this position, he has been responsible for guiding through this Senate, some of the major highway legislation enacted during the past twenty years.

"During his years of service in the Senate, he has served on every major committee of this Body, and having served on a few of these committees with him since I have been here, I know first-hand of his great leadership ability.

"'Monk' Harrington is a **team player.** He will stand shoulder-to-shoulder with our great Lieutenant Governor, and the other leadership of this General Assembly in working for what is best for North Carolina.

"As our President *Pro Tem* during the 1985-1986 Session, Senator 'Monk' Harrington gave us fair, honest, and steady leadership. He offers that again to you.

"So I hope that you will join with me in voting for **Senator J. J. 'Monk' Harrington** for President *Pro Tem* of the North Carolina Senate.

"Mr. President, I move that the nominations be closed and that Senator 'Monk' Harrington be elected by acclamation."

The President recognizes Senator Taft who offers the following remarks:

"Mr. President, ladies and gentleman of the Senate, our friends, political colleagues, families and loved ones gathered here for this opening day, it is my high honor, warm pleasure and solemn duty to nominate one of our colleagues to serve as the President *Pro Tempore* of the North Carolina Senate and of the people of the State of North Carolina.

"The Office of President *Pro Tempore* is a constitutionally sanctioned Office established and preserved through three constitutions and two hundred and eleven years of legislative history. This Office shares not only an important role in the organization and administration of the affairs of the upper legislative chamber of North Carolina but establishes the person second in line of succession to the Governor.

"The President *Pro Tempore* must be a person held in high esteem by his Senate colleagues, one they trust with not only the reins of power over this Chamber but able to serve as Chief Executive of this State if tragedy were to befall us.

"The Democratic Caucus and now the full Chamber must select one amongst us in which to vest this high authority and solemn trust. We have amongst our number a gentleman who has served nine terms, who has held distinguished chairmanships of our major committees, won the trust of his region by his championed commitment to extending medical care to the poor and distant of rural eastern North Carolina, who has demonstrated a levelness and evenhandedness in moments of high tension and charged partisanship and one who has championed the State's commitment to a fiscally sound government but yet insured a government progressive in its view and sensitive to the needs of the low as well as the mighty.

"That's all so very high sounding but so very true and so very important.

"Senator J. J. 'Monk' Harrington has already once served us as *Pro Tem* and if selected here today will again shoulder that responsibility in an honorable, capable and evenhanded manner.

"To be asked by Senator Harrington to make his nomination is a special pleasure for this young Senator. I first knew him when I was twenty-four and fresh out of law school to serve the Lieutenant Governor and President of this Body in 1973. One of Lieutenant Governor Hunt's most able and loyal allies in the Senate was 'Monk' Harrington.

"'Monk' Harrington showed a sensitive and warm interest in me and more than once saved me from my own youthful inexperience. He was willing to tone me down with a chuckle and a wink to his colleagues rather than a harsh backhand and sanguineous attitude of several of his colleagues.

"As a freshman Senator, I have seen 'Monk' Harrington make that special effort with other freshman as well, generated at least as much by his interest in other people as by his eye on the tally sheet. In fact, that reputation insured him the margin from among the new freshman essential to his aspirations.

"So the score of this man is great experience, long service, evenhandedness, respect of and for his colleagues, time and interest for the newly arrived.

"These are the qualities that make me so proud and confident, Mr. President, to place in nomination for President *Pro Tempore* of this North Carolina Senate, the distinguished Senator from Bertie County, the Honorable J. J. 'Monk' Harrington. Thank you."

The President recognizes Senator Redman who seconds the nomination of Senator Joseph J. Harrington for President *Pro Tempore* of the Senate. (See Appendix)

The President recognizes Senator Royall who offers a motion that the nominations be closed and that Senator Joseph J. Harrington be elected President *Pro Tempore* of the Senate by acclamation, which motion prevails.

Being declared duly elected, the President appoints Senator Hunt of Durham, Senator Guy, Senator Basnight, and Senator Martin of Pitt to escort the President *Pro*

Tempore, Senator Harrington, to the Well of the Senate where he receives the prescribed oath of office which is administered by the Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina. Senator Harrington is recognized to address the membership from the Well of the Senate. (See Appendix)

For Majority Leader of the Senate, Senator Plyler places in nomination the name of Senator Anthony E. Rand of Cumberland County.

Senator Rauch seconds the nomination. (See Appendix)

The President recognizes Senator Basnight who offers the following remarks:

"I count it a great pleasure and honor to second the nomination of our North Carolina Senator 'Tony' Rand for Senate Majority Leader. I think all of us here know his accomplishments and his record, and I am not going to expound on that, but I would like to tell you the kind of man I have found Senator Rand to be.

"The 'Tony' Rand I know is a man who never stops giving of himself, giving of his time, giving of his energy, giving of his talent to make North Carolina a better place to live for all of its citizens. 'Tony' Rand is a man who works tirelessly for better government and better representation for the average North Carolinian. When I was a freshman member, Senator Rand took it upon himself to work with me, to listen to the issues that were important to my District and by his example, to show me the qualities of true leadership.

"The 'Tony' Rand I know cares about North Carolina and all of its people. I can think of no better Senator to serve as Majority Leader than 'Tony' Rand, and I am proud to second his nomination."

On the further motion of Senator Basnight the nominations are closed. The members of the minority party are excused from voting. Senator Anthony E. Rand is elected Majority Leader by acclamation.

Being declared duly elected, the President appoints Senator Hipps and Senator Warren to escort the Majority Leader, Senator Rand, to the Well of the Senate where he receives the prescribed oath of office which is administered by the Honorable Patricia Timmons-Goodson, Judge of the Twelfth Judicial District of the General Court of Justice. Senator Rand is recognized to address the membership from the Well of the Senate, as follows:

"Ladies and Gentlemen of the Senate and distinguished guests.

"Thanks to Senator Plyler, Senator Rauch, and Senator Basnight. I'm glad my mother, wife and boys could be here to hear all this. Thanks to Senator Warren and Senator Hipps and to all of you for allowing me the opportunity to serve as Majority Leader.

"I would first like to express my deep gratitude and the gratitude of all the people of North Carolina to my predecessor in this office, Senator Kenneth Royall. Thanks to his leadership, North Carolina has a tradition of fiscal responsibility and good government. Our mental health programs are the model for this nation--all this in large measure to his great leadership.

"We are very fortunate to live in North Carolina. We have a great State of tremendous diversity--the charm of our seashores, the timeless beauty of our mountains, and the vitality and strength of the Piedmont. This diversity is our greatest strength! We must use this diversity to advance our State and not let it be used to pit one region against another or one section against another. Together we must carry North Carolina forward.

"Our great Lieutenant Governor, Bob Jordan, has spoken of not being content with the status quo. If we are to be content with the way things are, we would join the gentleman who advocated abolishing the patent office in the late 1800's. He said that everything that could be invented had already been invented. Obviously, he was not a prophet of the future.

"North Carolina has come a long way--but we have a ways to go. It's like the old man told my daddy--'we ain't what we wanta be, we ain't what we're gonna be, but thank God, we're better than we were.'

"Our schools are better, but the Basic Education Plan will make them better still. Our economy is progressing--but our Lieutenant Governor's Commission on Jobs and Economic Growth has charted an ambitious course for economic growth and expansion.

"It's our obligation to move North Carolina forward to the 21st Century. To assure that all our people can develop their full potential, make a contribution to our society and have a fulfilling life. If we succeed, we will make the best better and will make North Carolina the place where the 'weak grow strong and the strong grow great'!

"With Karen's help and your help, I will try to make this session of the General Assembly the best it can be."

For Principal Clerk of the Senate, Senator Harris places in nomination Sylvia Morris Fink of Wake County. Senator Plyler seconds the nomination. (See Appendix)

On motion of Senator Plyler, the nominations are closed and Sylvia Morris Fink is elected Principal Clerk by acclamation. Being duly elected, she receives the prescribed oath of office which is administered by the Honorable Robert B. Jordan III, Lieutenant Governor, and assumes her seat.

For Reading Clerk of the Senate, Senator Speed places in nomination LeRoy Clark, Jr. of Wake County. Senator Johnson of Wake seconds the nomination. (See Appendix)

On motion of Senator Johnson of Wake, the nominations are closed and LeRoy Clark, Jr. is elected Reading Clerk by acclamation. Being duly elected, he receives the prescribed oath of office which is administered by the Honorable Harry C. Martin, Associate Justice of the Supreme Court of North Carolina, and assumes his seat.

For Sergeant-at-Arms of the Senate, Senator Marvin places in nomination Gerda B. Pleasants of Wake County. Senator Speed seconds the nomination. (See Appendix)

On motion of Senator Speed, the nominations are closed, and Gerda B. Pleasants is elected Sergeant-at-Arms by acclamation. Being declared duly elected, she receives the prescribed oath of office which is administered by the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court of North Carolina, and assumes her seat.

The President announces that the following members of the 1987 General Assembly have been elected officers of the Minority Party: Senator Redman, Senate Minority Leader, and Senator Smith, Senate Minority Whip. Senator Redman is recognized to address the membership. (See Appendix)

RULES OF SENATE

On motion of Senator Harrington, the Rules of the 1985 General Assembly are adopted as the temporary Rules of the 1987 Session with the following exception: Rule 32 amended to read as follows:

"RULE 32. **List of standing committees.**--The standing committees shall be:

Alcoholic Beverage Control
Agriculture
Appropriations
Appropriations on Education
Appropriations on General Government
Appropriations on Human Resources
Appropriations on Justice and Public Safety
Appropriations on Natural and Economic Resources
Base Budget
Children and Youth
Commerce
Constitution
Economic Growth
Education
Election Laws
Environment
Finance
Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
Judiciary III
Judiciary IV
Local ~~Government~~ and Regional Affairs I
Local Government and ~~Regional~~ Affairs II
Manufacturing and Labor
Natural and Economic Resources and Wildlife
Pensions and Retirement
Rules and Operation of the Senate
State Government
State Personnel
Transportation
Veteran Affairs and Senior Citizens
Ways and Means"

A special message is ordered sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with public business.

APPOINTMENT OF COMMITTEES

The President announces appointments to the standing committees, as follows:

RULES AND OPERATION OF THE SENATE COMMITTEE: Senators Harrington (Chairman), Royall (Vice-Chairman), Barnes, Conder, Guy, Hardison, Harris, Hunt of Moore, Kincaid, Parnell, Plyler, Rand, Rauch, Smith, Soles, Taft, Walker, Ward, Warren, and Winner.

The President charges the Committee, as follows:

"Senator Harrington and members of the Committee:

"Your Committee is charged with maintaining rules that will provide for an efficient and fair operation of the Senate. Our rules must continue to ensure that all members of the Senate have the maximum opportunity to represent their constituents in all aspects of the legislative process.

"We must continue to look for rules designed to use our time wisely while in session to ensure a continued Citizen Legislature.

"Senator Harrington, the Senate is a very special place to you, demonstrated by your dedication to this institution during your length of service in the Senate. I say to you and the members of this Committee, yours is a very important task and I know you will recommend rules to us that will guide all of us in carrying out our duties."

ALCOHOLIC BEVERAGE CONTROL COMMITTEE: Senators Seymour (Chairman), Kaplan (Vice-Chairman), Allran, Barker, Daniel, Goldston, Hardison, Rand, and Smith.

The President charges the Committee as follows:

"Senator Seymour and members of the Committee:

"Laws governing the use and control of alcoholic beverages are complex and often controversial. You will no doubt be asked to consider numerous bills, and it is your duty to come forward with recommendations that will best serve the needs of our citizens. Listen to all sides on these issues, and propose to the Senate what will best serve our State.

"I appreciate your willingness to undertake this very important task."

AGRICULTURE COMMITTEE: Senators Speed (Chairman), Taft, Warren (Vice-Chairmen), Barnes, Basnight, Block, Ezzell, Martin of Pitt, McDuffie, Parnell, Plyler, Redman, Shaw, and Soles.

The President charges the Committee as follows:

"Senator Speed and members of the Committee:

"Too many North Carolinians have been forced to give up their land and agricultural enterprises that have been a part of their families for generations. Senator Speed, I know how involved you have been in trying to find ways to help our farmers.

"You and the members of the Committee are charged with reviewing the problems facing our farmers and traditional agribusinesses. We must find new markets and promote our farm products proudly and aggressively. Agriculture has to be a viable part of our future.

"The Senate will be looking to you for guidance on this important Committee, and I have every confidence you will provide the leadership we need."

APPROPRIATIONS COMMITTEE: Senators Plyler (Chairman), Hardison, Martin of Guilford, Parnell, Royall, Warren (Vice-Chairmen), Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Marvin, Rand, Richardson, Sands, Seymour, Simpson, Smith, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner.

APPROPRIATIONS ON EDUCATION COMMITTEE: Senators Ward (Chairman), Martin of Guilford (Vice-Chairman), Conder, Simpson, Tally, and Winner.

APPROPRIATIONS ON GENERAL GOVERNMENT COMMITTEE: Senators Thomas (Chairman), Goldston (Vice-Chairman), Block, Hunt of Durham, Johnson of Cabarrus, Sands, and Seymour.

APPROPRIATIONS ON HUMAN RESOURCES COMMITTEE: Senators Walker (Chairman), Harris (Vice-Chairman), Ezzell, Harrington, Richardson, and Smith.

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY COMMITTEE: Senators Marvin (Chairman), Parnell (Vice-Chairman), Cobb, Daniel, Johnson of Wake, Swain and Taft.

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES COMMITTEE: Senators Basnight (Chairman), Martin of Pitt (Vice-Chairman), Barker, Barnes, Guy, Hunt of Moore, and Kincaid.

BASE BUDGET COMMITTEE: Senators Rand (Chairman), Hardison, Martin of Guilford, Parnell, Royall, Warren (Vice-Chairmen).

(All members of the Appropriations Committee are also members of the Base Budget Committee)

"The President charges the Committees, as follows:

"Senators Plyler, Rand, Ward, Thomas, Walker, Marvin, Basnight, and members of the Committees:

"The Appropriations Committee will determine the course of State government for the next two years. As during the 1985 General Assembly, it will be your job to review current operations to see if we can make government more efficient and find ways to invest our limited resources.

"Funding education must be our top priority for our future depends on our ability to meet the needs of children in the classroom. Funds must be found to adequately compensate teachers and State employees, to improve our prison system, to provide for justice and public safety, to secure economic opportunities for our citizens, and to ensure a brighter tomorrow for all North Carolinians.

"The State does have a role in helping our citizens in seeing that we do improve the quality of life in this State. It is your responsibility to determine how we can carry out our obligations to best serve our citizens.

"We will be looking at further reforms in the budget process this year so that citizens and members of the General Assembly can have a more complete understanding of how tax dollars are spent.

"Your task will be a difficult one, but I am confident that each of you will undertake it to the best of your ability and propose a constitutionally mandated balanced budget for our State."

CHILDREN AND YOUTH COMMITTEE: Senators Conder (Chairman), Hipps, Barnes (Vice-Chairmen), Allran, Harris, Johnson of Cabarrus, Martin of Guilford, Marvin, Richardson, Shaw, Speed, Tally, Walker, and Ward.

The President charges the Committee as follows:

"Senator Conder and members of the Committee:

"Our children are our future. Our investment in our children are the most important ones we can make, and we will not shortchange them and their future.

"During the 1985 Session, the General Assembly took some significant steps to improve the lives of our children. By strengthening day care standards, improving child support laws, providing for a missing childrens center and other actions we have made lives better for children.

"Senator Conder, you have throughout your life been dedicated to helping our children. This year you have been asked to lead us forward in our determination to secure a better life for our children.

"You and the Committee members are charged with looking at such issues as preschool for disadvantaged four-year-olds, the endangered child legislation, juvenile delinquency, and other areas that need our attention.

"Many of you are already familiar with these issues and I am confident that you can help our children reach their fullest potential."

COMMERCE COMMITTEE: Senators Hardison (Chairman), Smith, Soles (Vice-Chairmen), Barker, Block, Cobb, Goldston, Guy, Harris, Johnson of Wake, Kaplan, Kincaid, Parnell, Plyler, Rand, Rauch, Royall, Seymour, Shaw, Staton, and Thomas.

The President charges the Committee as follows:

"Senator Hardison and members of the Committee:

"This Committee was an extremely active committee during the 1985-86 Session, and I anticipate it will continue that same role this Session. You will be asked to review utility legislation as well as banking and thrift proposals.

"Many of you have served on this Committee in the past and together with your Chairman have a strong knowledge of the issues in this area.

"Probably no other committee will deal with issues which touch more of our citizens on a daily basis.

"I charge you to be mindful of the effect the proposed legislation will have on these citizens as you are also mindful that the banks, which are stewards of our money, and that the utilities which provide our energy and communications systems, must continue to be sound.

"This Committee is charged with a demanding task because of the variety of issues that you must decide. I have every confidence you will come up with proposals that will best serve all of North Carolina."

CONSTITUTION COMMITTEE: Senators Hipps (Chairman), Daniel (Vice-Chairman), Barnes, Johnson of Cabarrus, Kaplan, Rauch, Soles, and Winner.

The President charges the Committee, as follows:

"Senator Hipps and members of the Committee:

"Our Constitution is the foundation of our laws and our government. In this year of 1987, as we commemorate our National Constitution, it is fitting that we take a close look at our North Carolina Constitution.

"During the past two years, we have heard a number of ideas for modifying this charter for North Carolina. You will be charged with reviewing bills proposing constitutional changes such as the selection and retention of our Judges. School governance and other modifications for the separation of powers among the three branches of government.

"This is a very important undertaking, and you will need to give these proposals thorough and deliberative review.

"I have every confidence in your ability to make wise decisions for our State."

ECONOMIC GROWTH COMMITTEE: Senators Staton (Chairman), Rand, Royall (Vice-Chairmen), Conder, Goldston, Hipps, Kaplan, Martin of Guilford, Seymour, and Smith.

The President charges the Committee, as follows:

"Senator Staton and members of the Committee:

"North Carolina is faced with two and even three different economies. Your job, Senator Staton, and members of the Committee is to focus on initiatives to ensure economic prosperity and job security for all our citizens. North Carolina at one time was leading the nation in recruitment of industry. But now we are witnessing changes in our traditional industries, a decline in new companies seeking to locate here, rural economies faced with job losses, and urban areas in what some term a 'growth-choke.'

"Because of the urgency of the situation, your Committee has already begun working.

"You are charged with reviewing the work of the North Carolina Commission on Jobs and Economic Growth, Governor Martin's Economic Blueprint and the Southern Growth Policies Board Study on the Future of the South. You must look at each and recommend to us the policies the can secure a future for our citizens. You must find ways to promote the entrepreneurial spirit in our State and encourage new growth opportunities.

"I appreciate you willingness to undertake this very important task and look forward to your recommendations."

EDUCATION COMMITTEE: Senators Warren (Chairman), Ward, Winner (Vice-Chairmen), Basnight, Conder, Hipps, Hunt of Durham, Hunt of Moore, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Richardson, Simpson, Speed, Staton, Taft, and Tally.

The President charges the Committee, as follows:

"Senator Warren and members of the Committee:

"The 1985 General Assembly passed some landmark legislation that is already providing students with improved classroom opportunities. You are charged with building on those historic achievements.

"The education of our children is the single most important investment we as a State make. As we fund the third and fourth years of the Basic Education Plan, we must focus attention on new studies of the workload of teachers, recommendations for improving teacher education and enhancing teaching as a career, proposals to more clearly define State governance of education and State and local funding responsibilities for schools.

"These are complex and, in some cases, controversial issues. Your workload will be demanding. But I know each of you realizes that the decisions we make in the days ahead will determine the quality of our future workforce and the strength of our manpower, and I thank you for undertaking this effort."

ELECTION LAWS COMMITTEE: Senators Kaplan (Chairman), Ezzell (Vice-Chairman), Cobb, Daniel, Hunt of Durham, Johnson of Wake, Plyler, Rauch, Redman, Seymour, and Swain.

The President charges the Committee, as follows:

"Senator Kaplan and members of the Committee:

"You are charged with reviewing our election laws to ensure that our citizens have every opportunity to exercise their constitutional privilege to vote.

"During the last election, there were some problems with balloting procedures. You need to review these to see if we can provide a more uniform process across our State, so that our citizens can be assured that their vote does count.

"Commissions have been reviewing various aspects of our election laws and will be making recommendations to you. You must analyze these and other proposals, and recommend to the Senate, bills that will best serve all voters.

"Yours is an important task and I appreciate your willingness to serve North Carolina in this way."

ENVIRONMENT COMMITTEE: Senators Winner (Chairman), Taft (Vice-Chairman), Barker, Harris, Hipps, Johnson of Cabarrus, Kaplan, Martin of Guilford, Tally, Thomas, Walker, and Warren.

The President charges the Committee, as follows:

"Senator Winner and members of the Committee:

"Protecting and preserving our environment is critical to continuing the good quality of life we have all come to expect in North Carolina. It is our quality of life that has made this State such a great place to live. We cannot afford to allow growth and other demands to harm the valuable resources we have in this State. In the end, our standard of living depends on our quality of life.

"Senator Winner, you and the members of this Committee are charged with looking at ways to protect our ground water supplies which provide drinking water to a large percentage of our citizens. You will be asked to find ways to clean up abandoned toxic waste sites that threaten our water and our soil and the lives of our citizens. Local governments will be seeking your advice as they seek ways to provide needed water and sewer services.

"There will be other recommendations on banning phosphate detergents, on further strengthening the right of cities to know about the presence of dangerous substances in their communities, and protecting the unique qualities of our coastal and mountain areas.

"You have the responsibility of ensuring that we leave our State as blessed as we found it for those who come after us.

"I have confidence in your ability to provide the Senate with legislation that will protect our quality of life."

FINANCE COMMITTEE: Senators Rauch (Chairman), Thomas (Vice-Chairman), Allran, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Kaplan, McDuffie, Plyler, Rand, Redman, Royall, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Walker, Ward, Warren, and Winner.

The President charges the Committee, as follows:

"Senator Rauch and members of the Committee:

"The Finance Committee has the responsibility of ensuring that our tax system is fair and equitable. You are charged with providing our State with adequate revenues to fund essential services.

"Senator Rauch, you have provided strong leadership for this Committee for a number of years. This year your Committee will be asked to look at a number of proposals to give local government more options for revenue sources. You will undoubtedly be asked to look at proposals to reduce the tax burden on business and on citizens, and there will also be some recommendations to increase that burden.

"The federal government has made changes in its tax laws and you should review those and determine what impact those may have on State and local governments, on citizens, and business.

"I ask you to review the economic picture of our State and determine what proposals will best serve the interests of all our citizens.

"Each year our finance laws become more complex and more important to our State's well being.

"I feel certain that this Committee will carry out its responsibilities with thoroughness and fairness."

HIGHER EDUCATION COMMITTEE: Senators Martin of Guilford (Chairman), Cobb, Tally (Vice-Chairmen), Conder, Goldston, Hipps, Hunt of Durham, Martin of Pitt, Rauch, Royall, Smith, Somers, and Staton.

The President charges the Committee, as follows:

"Senator 'Bill' Martin and members of the Committee:

"North Carolina's future depends on our ability to maintain a strong system of higher education. We have been a leader in this nation in the quality of education provided by our public universities, our private colleges, and our community college system.

"You, Senator Martin, have time and time again demonstrated your concern and support for our system of higher education. You and the members of the Committee must look at ways our community college system can provide literacy training for those adults who are unable to read and write. You must see that our community colleges have the capability to train and retrain workers for the jobs of today and tomorrow and provide encouragement for small business development.

"Our public universities and private colleges have been on the forefront of research and education to prepare our students and workers for the changing demand of our National and State economy and a critical task is training classroom teachers. The University Board, responding to the Legislature's request, has proposed strengthening teacher education, and I ask this General Assembly to provide the resources to enable our universities and colleges to produce better prepared teachers.

"We must encourage strengthening of this relationship among public schools, community colleges, public and private universities to keep the overall system strong and responsive to the needs of our citizens.

"Yours is an important task, and I have every confidence that you will perform it well."

HUMAN RESOURCES COMMITTEE: Senators Harris (Chairman), Martin of Guilford, Walker (Vice-Chairmen), Ezzell, Hardison, Harrington, Hunt of Moore, Kincaid, Marvin, Richardson, Royall, Smith, Tally, Thomas, and Ward.

The President charges the Committee, as follows:

"Senator Harris and members of the Committee:

"Our most valuable resource in North Carolina is its people. The need for human services becomes more important at this time of federal budget cuts, changes in the economy, and resulting stresses on our families. Many of our citizens through no fault of their own are unable to provide for themselves.

"You will be asked to look at a number of changes affecting the delivery of health services. And you must look at ways for best delivering mental health services to those who are in need of our care and understanding.

"We are caring people in North Carolina. I know how supportive of these issues you, Senator Harris, and the members of your Committee have been in the past, and I appreciate your dedication in serving North Carolina in this way. We in North Carolina are a caring people, and we've always insisted that government be sensible without being insensitive."

INSURANCE COMMITTEE: Senators Parnell (Chairman), Johnson of Wake, Kincaid (Vice-Chairmen), Hardison, Rand, Seymour, Smith, Soles, Staton, and Taft.

The President charges the Committee, as follows:

"Senator Parnell and members of the Committee:

"The availability and affordability of insurance continue to be among the most important issues facing our citizens. Last year we took some important steps to provide the Commissioner with tools to make insurance more readily available.

"Senator Parnell, the Senate is grateful for your willingness to take on this complicated issue.

"This year the Committee will be asked to determine what steps to take to insure that citizens and businesses have access to this essential product.

"Members of the Committee, I appreciate your willingness to undertake this responsibility.

JUDICIARY I COMMITTEE: Senators Barnes (Chairman), Hipps (Vice-Chairman), Ezzell, Johnson of Cabarrus, Martin of Guilford, Seymour, Tally, and Warren.

JUDICIARY II COMMITTEE: Senators Johnson of Wake (Chairman), Staton (Vice-Chairman), Barker, Cobb, Goldston, Hardison, Hunt of Moore, and Taft.

JUDICIARY III COMMITTEE: Senators Swain (Chairman), Sands (Vice-Chairman), Allran, Daniel, Harris, Sherron, Somers, and Walker.

JUDICIARY IV COMMITTEE: Senators Soles (Chairman), Rand (Vice-Chairman), Block, Kaplan, Marvin, Parnell, Royall, Simpson, and Winner.

The President charges the Committees, as follows:

"Senators Barnes, 'Joe' Johnson, Swain, Soles, and members of the Committees:

"The Judiciary Committees are charged with reviewing proposed changes in the laws of North Carolina. There will be requests to alter our laws governing criminal and civil procedures and other aspects of our legal system. Working on this legislation will require thoughtful analysis of what the changes will mean for our citizens.

"I say to the four Committee Chairmen, that throughout your tenure in the Senate, you have demonstrated your commitment to upholding our citizens' rights to a fair judicial system.

"North Carolina is proud of its strong legal system and I appreciate your willingness to undertake this complicated process, central to the well-being of our State."

LOCAL GOVERNMENT AND REGIONAL AFFAIRS I COMMITTEE: Senators Ezzell (Chairman), Hunt of Durham (Vice-Chairman), Allran, Daniel, Martin of Pitt, Marvin, McDuffie, Shaw, and Sherron.

LOCAL GOVERNMENT AND REGIONAL AFFAIRS II COMMITTEE: Senators Hunt of Moore (Chairman), Basnight (Vice-Chairman), Conder, Johnson of Cabarrus, Redman, Richardson, Sands, Simpson, Swain, and Walker.

The President charges the Committees, as follows:

"Senators Ezzell, Wanda Hunt and Members of the Committees:

"Better State and local partnerships are critical to our future as the federal government abandons and shifts responsibility for programs. As local officials address a growing number of complex problems and increased demand for services, we continue to see an increase each session in the number of bills affecting local governments.

"On many occasions proposed local legislation has statewide impact, and it will be your duty to examine each piece of legislation and determine whether passage is in the best interest of not only the local citizens but also our entire State.

"I have confidence in your ability to meet the challenges before you, and I thank you for undertaking this vital work."

MANUFACTURING AND LABOR COMMITTEE: Senators Martin of Pitt (Chairman), Block (Vice-Chairman), Allran, Daniel, Goldston, Guy, Harris, Hunt of Durham, Kincaid, Parnell, Plyler, Rauch, Richardson, Sands, Smith, and Thomas.

The President charges the Committee as follows:

"Senators 'Bob' Martin and members of the Committee:

"You are charged with assuring that legislation from your Committee is responsive to both employers and employees. Proposals will be made to alter workers compensation benefits, and these deserve thoughtful attention to the needs of workers and business as our economy grows and diversifies.

"Senator Martin, no place is changing more rapidly than the workplace. 1987 is certain to bring forth new ideas, needs, and concerns for you and your Committee.

"I have every confidence in the concern that each member brings to this Committee."

NATURAL AND ECONOMIC RESOURCES AND WILDLIFE COMMITTEE: Senators Tally (Chairman), Barker, Guy (Vice-Chairmen), Basnight, Block, Harrington, Kincaid, Shaw, Sherron, Simpson, Somers, Thomas, and Ward.

The President charges the Committee as follows:

"Senator Tally and members of the Committee:

"North Carolina must strive to maintain its natural resources as we seek continued economic growth. We must protect our natural areas while at the same time providing for the well-being of our citizens. You have the duty of balancing our need for raw materials to provide a strong economy and jobs along with our responsibility to pass on our natural resources to our future generations. You are charged with making sure that we protect our wildlife resources and manage our forests in a responsible manner.

"I appreciate your willingness to assume and discharge this vital work."

PENSIONS AND RETIREMENT COMMITTEE: Senators Hunt of Durham (Chairman), Marvin, Swain (Vice-Chairmen), Barker, Basnight, Harrington, McDuffie, Plyler, Redman, Royall, Sherron, and Speed.

The President charges the Committee as follows:

"Senator Ralph Hunt and members of the Committee:

"A sound retirement and pension policy is essential as we strive to attract and keep good employees serving our State. Legislation in the 1979-80 Session directed this permanent Committee to study all legislation involving State-administered retirement benefit or pension plans for public officers and employees.

"You will be faced with some controversial proposals this Session, and it will be your job to recommend policies that will maintain a sound system for our State. I am confident of your ability to discharge this important work."

STATE GOVERNMENT COMMITTEE: Senators Guy (Chairman), Conder, Johnson of Wake (Vice-Chairmen), Cobb, Ezzell, Hardison, Harris, Martin of Pitt, Parnell, Royall, Seymour, Simpson, Smith, Swain, Taft, and Walker.

The President charges the Committee as follows:

"Senator Guy and members of the Committee:

"You are charged with assuring that State government is efficient in meeting the needs of our citizens. State government is a complex business--over 9 billion dollars for the coming year.

"There will always be demands to change and reform State government to add new programs and take on new responsibilities. It is your duty to determine how we can most efficiently address these demands to best meet the needs of our citizens and to wisely invest our finite resources.

"You have my appreciation for the work you have agreed to perform."

STATE PERSONNEL COMMITTEE: Senators Taft (Chairman), Sherron (Vice-Chairman), Allran, Barnes, Conder, Daniel, Hipps, Johnson of Wake, Martin of Pitt, Parnell, Sands, Simpson, and Staton.

The President charges the Committee as follows:

"Senator Taft and members of the Committee:

"Dedicated State employees make it possible for government to serve the public.

"We need to review our State personnel classification and pay system, and look at flexible benefits and other policies that will keep us competitive with the private sector.

"This new Committee is being established because of the complexity of these issues. I very much appreciate your willingness to undertake this task, and know you will balance the interests of the State with the interest of our employees.

"No organization can perform efficiently without a fair and clear personnel system and policy. Almost daily our office receives inquiries with concerns and complaints.

"Senator Taft, I thank you and look to you and your Committee to provide us leadership in this crucial area."

TRANSPORTATION COMMITTEE: Senators Goldston (Chairman), Harrington (Vice-Chairman), Barker, Barnes, Basnight, Hunt of Durham, Marvin, McDuffie, Redman, Sands, Sherron, Somers, Speed, Staton, Ward, and Warren.

The President charges the Committee as follows:

"Senator Goldston and members of the Committee:

"Roads have fueled the North Carolina economy from early times serving as arteries of commerce and communication. They, along with airports and other transportation systems, are vital if our communities are going to grow. We are proud of our highway and secondary road system, the largest in the nation. We want to keep our reputation as the 'Good Roads State.' Last year we took some historic steps to improve our transportation system. Now we must build on that effort. We must also review legislation that ensures safety on our highways.

"It is your duty to see that we protect and continue to develop this very important system, and I thank you for undertaking this effort."

VETERANS AFFAIRS AND SENIOR CITIZENS COMMITTEE: Senators Richardson (Chairman), Hunt of Moore, Speed (Vice-Chairmen), Barnes, Block, Conder, Guy, Johnson of Cabarrus, Sands, Sherron, Somers, and Swain.

The President charges the Committee as follows:

"Senator Richardson and members of the Committee:

"These are two of the most important constituent groups in our State, and we must do everything we can to secure their social and economic well-being.

"This Session your Committee will be asked to review State government policies to make sure our veterans are receiving rightful consideration and that senior citizens are provided quality care. We must continue to find ways to utilize both these valuable resources for their own benefit and for our State.

"I appreciate your interest in these citizens who have provided for us and I look forward to your proposals for improving their lives."

WAYS AND MEANS COMMITTEE: Senators Royall (Chairman), Plyler, Rauch (Vice-Chairmen), Goldston, Guy, Hardison, Harris, Harrington, Hunt of Moore, Rand, Smith, Thomas, Walker, Ward, Warren, and Winner.

The President charges the Committee as follows:

"Senator Royall and members of the Committee:

"This Committee is responsible for coordinating efforts between the Appropriations and Finance Committees in order to carry out our constitutional mandate of adopting a balanced budget. We must weigh the needs of our citizens with our obligation to do what is fiscally responsible. You will be called on to review bond issues and other proposals that affect our spending and taxing policies.

"Senator Royall, you have been a champion of fiscal responsibility in this State for many years, serving as Chairman of the Advisory Budget Commission and as Chairman of this important Committee. The State of North Carolina owes you a great debt of gratitude for your service, and I appreciate your willingness to continue to perform these duties.

"The challenge will be even greater this year to continue to bring our budget into balance with our varying budget estimates and recent federal tax changes. I thank you."

The President appoints the following Select Committees:

SELECT COMMITTEES

UNIVERSITY BOARD OF GOVERNORS COMMITTEE: Senators Royall (Chairman), Walker (Vice-Chairman), Harrington, Barnes, Martin of Guilford, Plyler, Richardson, Smith, Tally, and Winner.

BOARD OF COMMUNITY COLLEGES COMMITTEE: Senators Conder (Chairman), Hunt of Moore (Vice-Chairman), Kincaid, Marvin, Parnell, Rand, Richardson, and Ward.

INTRODUCTION OF BILLS AND RESOLUTIONS

Without objection, Rule 40, relative to the filing of legislation is suspended for today.

The following bills and resolutions are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Rand, and Royall (by request):

S.B. 1, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.
Referred to **Appropriations Committee**.

By Senators Plyler, Rand, and Royall (by request):

S.B. 2, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies.
Referred to **Appropriations Committee**.

By Senator Harrington:

S.J.R. 3, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives.
On motion of Senator Harrington, the joint resolution is placed before the Senate for immediate consideration.
The joint resolution, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
February 9, 1987

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business and has elected the following officers:

Speaker	Liston B. Ramsey
Speaker Pro Tempore	John J. Hunt
Principal Clerk	Grace A. Collins
Reading Clerk	Sam J. Burrow, Jr.
Sergeant at Arms	Larry P. Eagles

Respectfully,
s/Grace A. Collins
Principal Clerk

APPOINTMENTS BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following messages:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

January 5, 1987

The Honorable Robert B. Jordan III
President of the Senate
Lieutenant Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

Dear Lieutenant Governor Jordan:

Pursuant to N.C. G.S. 62-10, I appoint Senator William W. Redman, Jr., Iredell County, as a member of the North Carolina Utilities Commission for the term beginning July 1, 1987 and ending June 30, 1995 and, effective January 5, 1987, to fill the vacancy caused by the resignation of Mr. Hartwell Campbell, whose term expires June 30, 1987. I hereby submit his name to the General Assembly for confirmation.

Sincerely,
s/James G. Martin
Governor

Referred to Commerce Committee.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

January 19, 1987

The Honorable Robert B. Jordan III
President of the Senate
Lieutenant Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Commissioner of Banks

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 53-92, I hereby appoint Benjamin T. Tison III, Mecklenburg County, North Carolina as Commissioner of Banks to serve a term beginning April 1, 1987, and expiring March 31, 1991, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

Referred to Commerce Committee.

The President extends courtesies of the floor to Rachel G. Gray, former Senator from Guilford County and to Thomas O. Gilmore, former Representative from Guilford County.

Courtesies of the floor are extended to Mrs. Sarah Jordan, wife of Lieutenant Governor Robert B. Jordan III and to his mother Mrs. Irene Jordan.

The President extends courtesies of the floor to General Ed Cassity, Commanding General, Camp Lejeune, United States Marine Corps Base, Jacksonville.

The President extends courtesies of the floor to the families and friends of members of the Senate.

The Reverend Sam D. McMillan, Jr., Pastor of White Plains United Methodist Church of Cary is recognized as the Senate Chaplain for the 1987 Session of the North Carolina General Assembly.

The President recognizes Mrs. Pat Brock, serving as Supervisor of Pages for this Session, and the following pages serving in the Senate this week: Amy Jo Buffaloe, Youngsville; Annie Chalmers, Littleton; June Christmas, Raleigh; Heath Gilbert, Jr., Louisburg; Brian Hardee, Fayetteville; Scottie Herman, Concord; Robert Carl Kemp III, Oxford; Earle Koontz, Salisbury; John David Lilly, Raleigh; Melody Lynn Vick, Bailey; Tiara Larice Walker, Raleigh; Marqui Willoughby, Wadesboro; Brandon Erik York, Waynesville.

On motion of Senator Harrington, seconded by Senator Guy, the Senate adjourns to meet tomorrow at 1:30 P.M.

SECOND DAY

SENATE CHAMBER,
Tuesday, February 10, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Covenant, we recall your saying to Abraham, 'I will bless You and make Your Name great, so that You will be a blessing.'

"O God of Nations, we thank Thee for those men and women who have governed with integrity and compassion in our great land since its founding; and we pray that the leaders of both parties in our State and our nation will work for the enactment of laws and policies which will promote compassion, liberty, and justice for all our citizens--rich and poor, black and white, young and old, male and female.

"O God of Integrity, we pray Thy special blessing upon the Lieutenant Governor of our fair State, upon each member of the North Carolina Senate, and upon all the officers, staff, and members of the General Assembly. You have blessed us in a special way by giving us the opportunity to serve the citizens of our State in this area. Help us to take our responsibilities seriously; inspire us to be persons of integrity; and grant that we may enact laws which will bring a blessing to all the people of our State.

"All this week we ask in the Name of Him who blesses us as He did Abraham and Sarah, so that we might be a blessing to others. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S.B. 4, a bill to amend the subclassification plan to provide that some first accidents do not result in S.D.I.P. points.
Referred to **Insurance Committee.**

By Senators Plyler, Conder, and Royall:

S.B. 5, a bill to extend the time by which a tax collector must make his annual report and settlement of property taxes collected.
Referred to **Finance Committee.**

By Senators Redman and Allran:

S.B. 6, a bill to expand the Alexander County Board of Commissioners from three to five members.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Hipps and Thomas:

S.B. 7, a bill to provide procedures when two cities are merged when one permits the sale of alcoholic beverages and the other does not.
Referred to **Alcoholic Beverage Control Committee.**

On motion of Senator Harrington, seconded by Senator Parnell, the Senate adjourns to meet tomorrow at 11:30 A.M.

THIRD DAY

SENATE CHAMBER,
Wednesday, February 11, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Rabbi Robert J. Eisen, Beth Meyer Synagogue, Raleigh as follows:

"O G-d, gathered as we are in Your presence, speak to us, we pray, with the still small voice of Your Spirit.

"For those whose ideals have become shallow, help us deepen them.

"For those whose ideals have become tarnished, help us restore them.

"For those whose hopes have become faded, help us revive them.

"For those whose loyalties have grown dim, help us brighten them.

"For those whose purposes have grown blurred, help us sharpen them.

"For those whose horizons have become narrowed, help us widen them.

"As You are near to those who call upon You in truth, be with us as we proceed to do Your will.

"Give us strength, discretion, justice and love, that the words we pray may come alive for all who hear them.

"And let us say together, Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

OATH OF OFFICE OF JAMES E. EZZELL, JR.

Senator-elect James E. Ezzell, Jr. appears, representing the Tenth Senatorial District, with the proper certificate of election. Senator-elect Ezzell takes and subscribes to the oath of office which is administered by the Honorable Robert B. Jordan III, President of the Senate, as follows:

"I, James E. Ezzell, Jr., do solemnly swear that I will support and maintain the Constitution and laws of the United States, so help me God.

"I, James E. Ezzell, Jr., do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability.

"I, James E. Ezzell, Jr., do solemnly and sincerely swear that I will faithfully discharge my duties as Senator of the 1987 General Assembly of the State of the North Carolina to the best of my skill and ability according to law; so help me, God."

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

S.B. 8, a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Plyler and Conder:

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the act for some persons or companies providing services to the State or local governments.
Referred to **Judiciary I Committee.**

By Senator Harris:

S.B. 10, a bill to repeal the reversion of Willie M. Funds.
Referred to **Appropriations Committee.**

By Senator Marvin:

S.B. 11, a bill to clarify procedures for implementing income withholding pursuant to a supporting party's request.
Referred to **Judiciary IV Committee.**

By Senators Staton, Conder, Goldston, Harrington, Hipps, Kaplan, Martin of Guilford, Rand, Royall, Seymour, and Smith.

S.J.R. 12, a joint resolution inviting the Honorable Martha Layne Collins, Governor of Kentucky, and the Honorable William F. Winter, former Governor of Mississippi, to address a joint session of the Senate and House of representatives at 7:00 o'clock p.m. Monday, March 2, 1987.
Referred to **Rules and Operations of the Senate Committee.**

By Senator Harrington:

S.R. 13, a Senate resolution adopting the permanent Rules of the Senate for the 1987 Session of the General Assembly of North Carolina.
Referred to **Rules and Operations of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 5, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives.
Referred to **Rules and Operations of the Senate Committee.**

H.B. 18, a bill to appoint members of the Whiteville City Board of Education.
On motion of Senator Soles, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Basnight, the Senate adjourns to meet tomorrow at 1:00 P.M.

FOURTH DAY

SENATE CHAMBER,
Thursday, February 12, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. John E. Weems, President of Meredith College, Raleigh, as follows:

"Our Father in heaven, we pause to give You thanks for our many blessings, both as individuals and as a nation.

"As we meet here this afternoon, we are reminded, that our forefathers laid the foundation for civil and religious liberty. For their foresight and courage, we give Thee thanks.

"Help us to be true to the ideals for which our country stands. May we ever be the home of justice, liberty, and freedom for all. May we conduct our businesses, our government, and our lives in a manner that is orderly, useful, honest, and decent.

"Help us to realize that life is good, no matter, where the living takes place, but that, indeed, we are doubly blessed to be able to live and work as citizens of North Carolina.

"Daily renew our energy and courage to preserve this nation. Help us in this time, particularly, O Lord, to lead all nations on a path to peace.

"We know that we best serve You, by justly and fairly serving our fellow man. Let nothing daunt or discourage us. Left us up, so that we may see beyond the horizon and press toward greater achievement in the future.

"We ask that You support us with Your strength, and open our eyes to the countless opportunities lying at hand for unspectacular daily service.

"Help us to be optimistic in our outlook and to see something good and beautiful in everybody and every situation.

"Make us quick to understand the feelings and needs of others.

"Grant us the wisdom to know what is right; the ability and courage, to do what is right; and the faith to defend that which we believe to be right.

"May You send us peace, hear our prayers and abide with us forever. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Marvin and Hipps for today and to Senators Harris, attending the funeral of a friend, Winner and Simpson for

tomorrow, Friday, February 13, 1987. (Senator Hipps is noted present for a portion of today's session).

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 18, an act to appoint members of the Whiteville City Board of Education. (Ch. 1)

WITHDRAWAL FROM COMMITTEE

H.J.R. 5, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives.

On motion of Senator Harrington the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

S.J.R. 12, a joint resolution inviting the Honorable Martha Layne Collins, Governor of Kentucky, and the Honorable William F. Winter, former Governor of Mississippi, to address a joint session of the Senate and House of representatives at 7:00 o'clock P.M. Monday, March 2, 1987.

On motion of Senator Staton the rules are suspended and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Guy, and Harris:

S.B. 14, a bill to provide longevity pay to magistrates.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 15, a bill to expand the income tax deduction for expenses to maintain a parent.
Referred to **Finance Committee.**

By Senator Guy:

S.B. 16, a bill to clarify the sales tax exemption for materials used to construct or repair certain farm buildings.
Referred to **Finance Committee.**

By Senator Guy:

S.B. 17, a bill to eliminate seasonal privilege licenses.
Referred to **Finance Committee.**

By Senators Guy, Barker, and Martin of Pitt:

S.B. 18, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay.
Referred to **Finance Committee.**

By Senator Guy:

S.B. 19, a bill to permit alcoholic beverage licensees who are required to furnish a bond to pledge government bonds as collateral rather than obtain a bond from a corporate surety.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Guy:

S.B. 20, a bill to eliminate the requirement that a nonresident retail or wholesale merchant register with the Department of Revenue for sales tax purposes.
Referred to **Finance Committee.**

By Senator Guy:

S.B. 21, a bill to conform the treatment of all income tax credits received by a corporation to the treatment of an income tax credit for property taxes.
Referred to **Finance Committee.**

By Senator Guy:

S.B. 22, a bill to repeal obsolete local acts concerning property taxes.
Referred to **Finance Committee.**

By Senator Conder:

S.B. 23, a bill to delete references in the property tax statutes to the obsolete position of list taker.
Referred to **Finance Committee.**

By Senator Smith:

S.B. 24, a bill authorizing the Salisbury City Council to convey certain real property.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Ezzell, Staton, Hunt of Durham, and Shaw:

S.B. 25, a bill regulating itinerant merchants.
Referred to **Judiciary I Committee.**

By Senators Ezzell, Staton, Hunt of Durham, and Shaw:

S.B. 26, a bill to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators.
Referred to **Finance Committee.**

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow at 9:00 A.M.

FIFTH DAY

SENATE CHAMBER,
Friday, February 13, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Keith Glover, Associate Minister, White Plains United Methodist Church, Raleigh, as follows:

"Almighty and Eternal God, Whose nature is Love, we seek Your Presence and Guidance in this Session when the shape of the valentine reminds us that Love is the heart of all human relationships, and the cornerstone of liberty and justice.

"May the assurance of Your Love fill each member of this body with a Love of truth and righteousness.

"May the power of Your Love rule in their hearts and prosper their endeavors so that law and order, justice and peace may prevail throughout the State.

"May the inspiration of Your Love fill them with the Love of Your laws and the Love of that which is righteous and life-giving, so that they may be worthy stewards of Your good and perfect gifts.

"May the healing presence of Your Love in our lives make our homes holy, our work honorable, and our pleasures pure.

"May the knowledge of Your great Love for each of us keep us this day pure in motive, wise in our decisions, and strong in all actons, doing that which is pleasing in Thy sight.

"For these and all other experiences of Love in our lives, we give Thee thanks and praise. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Kaplan, Kincaid, McDuffie, Staton, and Thomas for today. Leaves granted previously to Senators Harris, Simpson, and Winner are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marvin:

S.B. 27, a bill to repeal the charter of the Danieltown Volunteer Fire Department, Inc.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators McDuffie, Simpson, Kincaid, and Smith:

S.B. 28, a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Marvin and Harris:

S.B. 29, a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Winner, Rauch, Redman, and Cobb:

S.B. 30, a bill to allow the Legislative Ethics Committee to choose more than one method of disposing of a matter after its inquiry into alleged violations.
Referred to **Rules and Operations of the Senate Committee.**

By Senator Hipps:

S.B. 31, a bill to create the Judicial Selection Study Commission, and to appropriate funds for its operation.
Referred to **Rules and Operations of the Senate Committee.**

By Senators Guy, Harrington, Harris, Winner, Martin of Pitt, Staton, Rand, Royall, Parnell, Basnight, Hunt of Durham, Goldston, Thomas, Daniel, Barker, Speed, Martin of Guilford, Conder, Swain, Hardison, Soles, Sherron, Ward, Taft, Tally, and Warren:

S.B. 32, a bill to provide that in all elections with voting devices requiring the voter to punch or mark a number in order to cast a straight-party ticket, the number shall be uniform statewide.
Referred to **Election Laws Committee.**

By Senators Hardison and Warren:

S.B. 33, a bill to continue for life non-contributory premiums for surviving spouses of State employees if the employee was retired or eligible to retire prior to October 1, 1986, under the Teachers' and State Employees' Comprehensive Major Medical Plan.
Referred to **Pensions and Retirement Committee.**

By Senators Hardison, Warren, and Guy:

S.B. 34, a bill to provide unreduced retirement benefits for State and local government fire fighters on the same basis as provided for law enforcement officers.
Referred to **Pensions and Retirement Committee.**

By Senators Royall, Barker, Barnes, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Richardson, Sands, Seymour, Sherron, Swain, Taft, Tally, Walker, Ward, and Warren:

S.B. 35, a bill to appropriate funds for the North Carolina Rural Economic Development Center.
Referred to **Economic Growth Committee.**

By Senators Conder, Plyler, and Martin of Pitt:

S.B. 36, a bill to convert Nash, Edgecombe, and Richmond Technical Colleges to Community Colleges.
Referred to **Higher Education Committee.**

ESCORT COMMITTEE

H.J.R. 5, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and

inviting the Governor to address a joint session of the Senate and House of Representatives.

The President appoints the following members of the Senate to serve with a like Committee of the House of Representatives to invite, greet, and escort the Governor to the Joint Session: Senators Harrington, Royall, Rand, and Redman.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet Monday, February 16, at 7:00 P.M.

SIXTH DAY

SENATE CHAMBER,
Monday, February 16, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable A. D. Guy, Senator from Onslow County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Conder, Ezzell, Hardison, Johnson of Cabarrus, Rauch, Swain, Taft, Walker, and Winner for tonight, due to inclement weather. Senator Swain is noted present for a portion of tonight's Session.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 3, a bill to grant general law power of eminent domain to county water and sewer districts.
Referred to **Judiciary I Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 5 House of Representatives
February 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information pursuant to **H.J.R. 5**, "A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES G. MARTIN, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES," the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to invite, greet, and escort the Governor to the Joint Session:

Representative Cochrane
Representative Privette

Representative Jack Hunt
Representative Lilley

Respectfully,
S/Grace A. Collins
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.J.R. 5, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives. (Res. 1)

S.J.R. 12, a joint resolution inviting the Honorable Martha Layne Collins, Governor of Kentucky, and the Honorable William F. Winter, former Governor of Mississippi, to address a joint session of the Senate and House of Representatives at 7:00 o'clock P.M. Monday, March 2, 1987. (Res. 2)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the act for some persons or companies providing services to the State or local governments with a favorable report, as amended.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 5

House of Representatives
February 16, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 5**, "A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES G. MARTIN, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES." The House of Representatives stands ready to receive the Senate in Joint Session.

Respectfully,
S/Grace A. Collins
Principal Clerk

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message, pursuant to H.J.R. 5, a joint resolution informing His

Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:30 P.M. on Monday, February 16, 1987.

Senator Harrington offers a motion that the Senate recess, duly seconded, to meet in Joint Session with the House of Representatives for the purpose of receiving the Governor's message, and further upon dissolution of the Joint Session to stand adjourned to meet tomorrow, Tuesday, February 17, at 1:30 P.M., which motions prevail.

Pursuant to the motions of Senator Harrington, the Senate preceded by its officers, repairs to the Hall of the House of Representatives, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III, President of the Senate.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, Governor James G. Martin. Senator Harrington and the Committees appointed by the President of the Senate and Speaker of the House of Representatives escort the Governor to the Well of the House. The President of the Senate presents Governor Martin to the General Assembly, who delivers the State-of-the State address. (See Appendix)

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow, Tuesday, February 17, at 1:30 P.M.

SEVENTH DAY

SENATE CHAMBER,
Tuesday, February 17, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by The Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Ezzell, Hunt of Durham, Johnson of Cabarrus, Staton, and Walker for today due to inclement weather.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the Judiciary I Committee:

H.B. 3, a bill to grant general law power of eminent domain to county water and sewer districts, with a favorable report.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the act for some persons or companies providing services to the State or local governments.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted. The bill, as amended, passes its second reading (electronically recorded). On objection of Senator Barnes to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

On motion of Senator Harrington, seconded by Senator Goldston, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTH DAY

SENATE CHAMBER,
Wednesday, February 18, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Staton, due to illness, and Senator Ezzell for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris:

S.B. 37, a bill to expedite proceedings involving child victims and witnesses.
Referred to Children and Youth Committee.

By Senator Harris:

S.B. 38, a bill to expedite proceedings involving child victims and witnesses.-2.
Referred to **Children and Youth Committee.**

By Senators Parnell, Basnight, Guy, Harrington, Martin of Guilford, Martin of Pitt, Marvin, Royall, Swain, Tally, and Ward:

S.B. 39, a bill to appropriate funds to place modular units at sixteen prison locations and eliminate the threat of overcrowding.
Referred to **Appropriations Committee.**

By Senators Parnell, Basnight, Guy, Harrington, Martin of Guilford, Martin of Pitt, Marvin, Royall, Swain, Tally, and Ward:

S.B. 40, a bill to appropriate funds for satellite jail/work release units.
Referred to **Appropriations Committee.**

By Senators Parnell, Basnight, Guy, Harrington, Martin of Guilford, Martin of Pitt, Marvin, Royall, Swain, Tally, and Ward:

S.B. 41, a bill to appropriate funds to improve the State Prison System.
Referred to **Appropriations Committee.**

By Senators Harris, Rauch, and Marvin:

S.B. 42, a bill to permit ABC Boards in Cleveland County to contract for law enforcement.
Referred to **Alcoholic Beverage Control Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the act for some persons or companies providing services to the State or local governments, as amended, upon third reading.
The bill, as amended, passes its third reading (electronically recorded).
Senator Hipps moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.
The bill, as amended, remains on the Calendar for today, upon third reading in its regular order of business.

H.B. 3, a bill to grant general law power of eminent domain to county water and sewer districts, upon third reading.
The bill passes its third reading by roll call-vote, ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.
Voting in the negative: None.
The bill is ordered enrolled.

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the act for some persons or companies providing services to the State or local governments, as amended, upon third reading.
Senator Swain offers Amendment No. 2.

On motion of Senator Barnes, consideration of the bill, as amended, with Amendment No. 2 pending, is postponed until Thursday, February 19.

On motion of Senator Harrington, seconded by Senator Thomas, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINTH DAY

SENATE CHAMBER,
Thursday, February 19, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Creation, when we consider Thy heavens, the work of Thy fingers, the moon, and the stars which Thou hast created, we stand in awe of You and Your power.

"We recall that You placed Adam and Eve in the garden to be stewards of Your good earth; and we acknowledge that we too are called to be good stewards of Your creation.

"Forgive us for those times when we have desecrated rather than protected the natural resources of the good earth which You put in our care; and inspire us in this Session of the Legislature to enact laws and to provide funding for the protection and preservation of the pure waters, the blue skies, the snow-covered mountains, the sun-kissed beaches, the rich soil, the green forest, and beautiful parks of this fair State.

"All this we ask in the Name of the God of Creation, who put us on this good earth to till it and keep it and have dominion over it. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Staton and Rand for today.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 3, an act to grant general law power of eminent domain to county water and sewer districts. (Ch. 2)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

S.B. 43, a bill to give the tax collector the same limited subpoena power as is given the tax supervisor.
Referred to **Judiciary I Committee.**

By Senator Johnson of Cabarrus:

S.B. 44, a bill to provide for the removal of elected officials after conviction of certain offenses.
Referred to **Judiciary I Committee.**

By Senator Johnson of Cabarrus:

S.B. 45, a bill to facilitate the exchange of information by the Department of Revenue and local tax officials.
Referred to **Finance Committee.**

By Senators Tally, Conder, Hipps, Parnell, Plyler, Speed, Taft, Walker, and Ward:

S.B. 46, a bill to amend the powers of the Radiation Protection Commission to provide for the development and adoption of criteria and standards for low-level radioactive waste facilities.
Referred to **Environment Committee.**

By Senators Tally, Conder, Hipps, Parnell, Plyler, Speed, Taft, Walker, and Ward:

S.B. 47, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities.
Referred to **Environment Committee.**

By Senators Tally, Conder, Hipps, Parnell, Plyler, Speed, Taft, Walker, and Ward:

S.B. 48, a bill to prohibit shallow land burial of radioactive waste and to require engineered barriers at any near-surface disposal facility.
Referred to **Environment Committee.**

By Senators Tally, Conder, Hipps, Parnell, Plyler, Speed, Taft, Walker, and Ward:

S.B. 49, a bill to suspend the issuance of any license for a commercial low-level radioactive waste facility.
Referred to **Environment Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the Act for some persons or companies providing services to the State or local governments, as amended, with Amendment No. 2 pending, upon third reading.
Without objection, Senator Swain withdraws Amendment No. 2.
The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Daniel, the Senate adjourns to meet tomorrow at 9:00 A.M.

TENTH DAY

SENATE CHAMBER,
Friday, February 20, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Paul Leeland, Saint Andrews United Methodist Church, Garner, as follows:

"Almighty God, for the responsibilities of this day, we pray for wisdom to discern the signs of the times that we may indeed know what God's spiritual Israel ought to do. Keep us ever from confusing our own selfish desires and ambitions with the will of the Lord. God forbid that we should identify the progress of Thy Kingdom with the maintenance of institutions which violate the spirit of Thy gospel or with the progress of social panaceas which are only time serving. Help us to give ourselves to the things that are eternal and to be concerned about those things that will last when we are gone. AMEN."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today due to illness.

The President recognizes the following pages serving in the Senate this week: Beth Andrews, Wake Forest; Sarah Banks, Jacksonville; Scott Brown, Rocky Mount; Greg Clark, Cary; William Creech, Raleigh; Anisa Edge, Fayetteville; Al Jones, Wake Forest; Joe Reigher, Cary.

Senator Marvin announces that Senator William W. Redman, Jr. has received the Lief Valand Award for Outstanding Service to Mental Health.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Parnell, Guy, Hardison, Martin of Guilford, Marvin, Speed, and Swain:

S.B. 50, a bill to appropriate funds to provide additional parole personnel.
Referred to **Appropriations Committee**.

By Senators Winner, Barnes, Ezzell, Goldston, Hardison, Hipps, Hunt of Moore, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Rauch, Royall, Seymour, Sherron, Soles, Swain, Taft, Tally, Walker, Ward, and Warren:

S.B. 51, a bill to structure individual income tax as a percentage of federal taxable income.
Referred to **Finance Committee**.

By Senators Hardison, and Smith:

S.J.R. 52, a joint resolution providing for joint sessions of the Senate Committee on Commerce and the House Committee on Public Utilities to review the Governor's appointment to the Utilities Commission and providing for a joint session or sessions

of the Senate and the House of Representatives to act on confirmation of the appointment made by the Governor to membership on the North Carolina Utilities Commission.

Referred to **Rules and Operations of the Senate Committee.**

By Senator Barnes:

S.B. 53, a bill to authorize the Greene County Committee of 100 to use previously appropriated funds to construct a building for industrial development rather than for mass gatherings.

Referred to **Appropriations Committee.**

MINORITY LEADER

The President directs the Reading Clerk to read the following:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

February 18, 1987

Lt. Governor Robert B. Jordan III
President of the Senate
Legislative Office Building
Raleigh, North Carolina 27611

Dear Lt. Governor Jordan:

Effective February 18, 1987, Senator Laurence A. Cobb will be the Minority Leader of the North Carolina Senate per election held during the Minority Caucus on February 16, 1987.

All other Minority officers remain in effect.

Sincerely,
s/Bill Redman

The President recognizes Senator Cobb who speaks briefly.

On motion of Senator Harrington, seconded by Senator Barker, the Senate adjourns to meet Monday at 7:30 P.M.

ELEVENTH DAY

SENATE CHAMBER,
Monday, February 23, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael W. Safley, Associate Director of the Conference Council on Ministries of the North Carolina Conference of the United Methodist Church, Raleigh, as follows:

"Dear Lord--Creator, Sustainer, and Redeemer of our world, we give You thanks for the North Carolina State Senate. We thank You for a weekend of rest, a safe

journey, and now, being refreshed, we thank You for the opportunity of service to the citizens of our great State.

"Lord, we thank You for all the dedicated Senators, their families and staff that work unselfishly for all of us.

"As we begin a new week, give us keen insight, wisdom, and sensitivity that will enable us to make the best decisions. Give us strength, perseverance, stamina and patience for the arduous tasks and long hours.

"At all times, Lord, allow us to see each problem--each challenge as exciting opportunities of service.

"Help us to keep focused on the right priorities to make appropriate decisions that will benefit children, youth, adults, and the elderly--all sexes, all races, all nationalities and persons living in all conditions, so enabling them to become whole persons. The task may seem impossible--but with You, all things are possible. Guide us and bless us. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hipps, Kaplan, and Winner for tonight.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hunt of Moore, Guy, Harrington, Plyler, Richardson, Royall, and Walker:

S.J.R. 54, a joint resolution to continue the work of the Legislative Research Commission's Study of the Problems of Aging.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Sands, Barker, Block, Daniel, Swain, and Winner:

S.B. 55, a bill to limit interrogatories to 50 without prior court approval.
Referred to **Judiciary III Committee.**

By Senators Hunt of Moore, Allran, Barnes, Goldston, Harris, Rand, Rauch, Redman, Richardson, Tally, Ward, Warren, and Winner:

S.B. 56, a bill to establish the North Carolina Alzheimer's Disease and Related Disorders Study Commission.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Hunt of Moore, Allran, Barnes, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Wake, Plyler, Rand, Rauch, Redman, Richardson, Royall, Seymour, Tally, Walker, Ward, Warren, and Winner:

S.B. 57, a bill to appropriate funds for the North Carolina Senior Games Program.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore, Allran, Barnes, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Wake, Plyler, Rand, Rauch, Redman, Richardson, Seymour, Tally, Walker, Ward, Warren, and Winner:

S.B. 58, a bill to provide for an Elderly and Handicapped Transportation Assistance Program to be administered by the Department of Transportation.
Referred to **Veterans Affairs and Senior Citizens.**

By Senators Richardson and Hunt of Moore:

S.B. 59, a bill to permit those elderly or disabled individuals whose residence qualifies for the "Homestead Exemption" to defer payment of tax on this property until the property is transferred.

Referred to **Finance Committee.**

By Senator Thomas:

S.B. 60, a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund.

Referred to **Manufacturing and Labor Committee.**

By Senators Speed, Guy, Royall, and Hardison:

S.J.R. 61, a joint resolution honoring the life and memory of L.A. "Speed" Riggs.

On motion of Senator Speed, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

The President recognizes the following pages serving in the Senate this week: Mary Elizabeth Cook, Raleigh; Jeff Cope, Sanford; Joseph B. Eggleston, Jr., Raleigh; Frances Harlow, Rocky Mount; Pam Hunt, Raleigh; April Dawn Jacumin, Hildebran; Amy Lee Johnson, Wilmington; Marilee Johnson, Dunn; Aimee LeAnne Lawrence, Macclesfield; Pamela Jane Lepley, Dallas; Dionne Loy, Asheboro; Tanya Moore, Raleigh; Fred Julius (Jule) Smith, Clayton; Randall Trey Stewart, Rocky Mount; Leigha Stiffel, Lexington.

On motion of Senator Harrington, seconded by Senator Johnson of Cabarrus, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWELFTH DAY

SENATE CHAMBER,
Tuesday, February 24, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable J. J. Harrington, President *Pro Tempore*.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Nations, we thank Thee for the high and holy privilege of serving the people of this great State in this political arena, and we pray for Thy guidance as we deliberate the course which our State will take.

"Like Solomon, we ask for wisdom to discern from among the clamor of constituents and political parties, friends and foes, lobbyists and special interest groups, the path which is the best for our State.

"And once we have determined in our heart of hearts, the course which we feel is most honorable and just, then we ask for courage to make the decisions, even if they are hard decisions, which we think are for the best interest of all the citizens of our State.

"Grant us these gifts and graces, we pray, and then our activities here will be seen, not as the action of petty politicians, but as the deliberations of civic-minded public officials, who will have won the respect and appreciation of the people they serve. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ezzell for the **Local Government and Regional Affairs I Committee.**

S.B. 6, a bill to expand the Alexander County Board of Commissioners from three to five members, with a favorable report.

S.B. 24, a bill authorizing the Salisbury City Council to convey certain real property, with a favorable report.

S.B. 28, a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Royall, Plyler, Taft, Sherron, Daniel, Goldston, Hardison, Harris, Kincaid, Martin of Pitt, Marvin, McDuffie, Rauch, Seymour, Simpson, Smith, Ward, and Warren:

S.B. 62, a bill to establish and maintain a Depository Library System for publications of North Carolina State Government.

Referred to **State Government Committee.**

On motion of Senator Royall, seconded by Senator Guy, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTEENTH DAY

SENATE CHAMBER,
Wednesday, February 25, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Richard Howle, Minister of Leaksville United Methodist Church, Eden, as follows:

"From the sandy beaches of Manteo to the lofty peaks of Murphy we have assembled here, O God, to proceed with government of the people, by the people, and for the people. We do so in a spirit of gratitude for those in the past and these in the present who have answered the call to this high level of public service. We thank You for the people they represent and for their commitment to making our great State a land of promise and progress.

"We offer up our prayers for all branches of our State government during these difficult but challenging times. Empower them with the wisdom and courage they need as

they strive to be our servants rather than our masters. As they focus their attention on the critical issues that are before them, help them to make decisions on the basis of what is right rather than what is popular; on what is in the best interest of all our citizens rather than the few. And when the gavel has sounded to close this Session, and the last 'ayes' and 'nays' have been heard, give them a sense of assurance that they have been true to our motto that calls us 'To Be Rather Than To Seem.'

"For it is in the Name of the only wise God, to Whom be glory forevermore, that we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson of Cabarrus and Sherron for today.

The President of the Senate grants courtesies of the floor to J. Yates Bailey, former Senator from Yancey County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Alcoholic Beverage Control Committee**:

S.B. 19, a bill to permit alcoholic beverage licensees who are required to furnish a bond to pledge government bonds as collateral rather than obtain a bond from a corporate surety, with a favorable report.

S.B. 42, a bill to permit ABC Boards in Cleveland County to contract for law enforcement, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Conder, Goldston, Hipps, Kaplan, Martin of Guilford, McDuffie, Rand, Royall, Seymour, Smith, and Taft:

S.B. 63, a bill to establish the Legislative Commission on Regional Growth Trends and Development Issues.

Referred to **Economic Growth Committee**.

By Senator Ezzell:

S.B. 64, a bill to authorize Nash County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee**.

By Senators Barnes, Block, Ezzell, Hipps, Hunt of Moore, Johnson of Pitt, Martin of Guilford, Rand, Richardson, Sands, Simpson, Soles, Somers, Staton, Swain, Taft, Tally, Walker, and Winner:

S.B. 65, a bill to adopt a comparative fault system and make it inapplicable to State torts.

Senator Barnes rises to a point of parliamentary inquiry as follows: "Mr. President, if a person introduces a bill at this point in time, can the bill be withdrawn at this time

or held without being read or introduced from the floor? Can it be held as introduced?"

The Chair rules that the Senator may make a motion that the bills be held as filed.

Senator Barnes offers a motion to the end that **S.B. 65**, a bill to adopt a comparative fault system and make it inapplicable to State torts and **S.B. 66**, filed for introduction, be held as filed.

Following debate, Senator Barnes offers a substitute motion that the bills be committed to the **Judiciary I Committee.**

The Chair rules as follows: "... that the second motion, the substitute motion, which is the motion to send the bills to a committee is an opposite motion of the motion to hold as filed, which is to not send the bills to committee. So the Chair would rule that the first motion is before you, that is, the motion to hold the bills as filed."

The motion offered by Senator Barnes prevails (electronically recorded).

The Chair orders the bill held as filed.

By Senator Barnes:

S.B. 66, a bill to adopt a comparative fault system for State torts, filed for introduction.

Pursuant to the motion heretofore offered by Senator Barnes, the bill is ordered held as filed and is not read the first time.

By Senators Hunt of Moore, Walker, and Harris:

S.J.R. 67, a joint resolution honoring the life and memory of William Preston Saunders.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Royall:

S.B. 68, a bill to change the Senate membership of the Committee on Employee Hospital and Medical Benefits.

Referred to **Pensions and Retirement Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 62, a joint resolution declaring February 28, 1987, to be "Mary Lyon Day" in honor of the birth of Mary Lyon, the founder of Mount Holyoke College and Wheaton College.

On motion of Senator Hipps, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution, passes its second (electronically recorded) and third readings and is ordered enrolled.

H.J.R. 65, a joint resolution providing for joint sessions of the Senate Committee on Commerce and the House Committee on Public Utilities to review the Governor's appointment to the Utilities Commission and providing for a Joint Session or Sessions of the Senate and the House of Representatives to act on confirmation of the appointment made by the Governor to membership on the North Carolina Utilities Commission.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 6, a bill to expand the Alexander County Board of Commissioners from three to five members.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 24, a bill authorizing the Salisbury City Council to convey certain real property.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 28, a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality.

On motion of Senator Ezzell, the bill is re-referred to the **Judiciary I Committee.**

On motion of Senator Harrington, seconded by Senator Somers, the Senate adjourns to meet tomorrow at 1:30 P.M.

FOURTEENTH DAY

SENATE CHAMBER,
Thursday, February 26, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, we confess that already we feel the pressure mounting on us. In addition to our family and business responsibilities, we are bombarded with calls from constituents and lobbyists, we are overwhelmed with endless breakfast and dinner invitations, and we are weary at the thought of the many committee meetings and sessions of this Body that lie before us between now and the summer.

"We wonder how we will make it through this week, much less throughout this Session of the General Assembly. Then we recall the words of the prophet Isaiah, 'Even youths shall faint and be weary, and young men shall fall exhausted; But they that wait upon the Lord shall renew their strength; they shall mount up wings like eagles; they shall run and not be weary; and they shall walk and not faint.'

"O God of Strength, deliver us from the temptation to seek to meet all the challenges of life alone. In the rush of this and every week, cause us to pause and wait upon Thee. Grant us a quiet time each day with Thee, help us to find a time of spiritual renewal each week-end in Your house, and thus renew our strength that we might face creatively and victoriously the pressure and the opportunities of this and every day. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Royall, who is attending the National Conference of State Legislatures Leader-to-Leader Meeting in Washington, D. C., and to Senators Seymour, and Staton for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Pitt for the Manufacturing and Labor Committee:

S.B. 60, a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, with a favorable report.
On motion of Senator Martin of Pitt, the bill is re-referred to the Finance Committee.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.J.R. 62, a joint resolution declaring February 28, 1987, to be "Mary Lyon Day" in honor of the birth of Mary Lyon, the founder of Mount Holyoke College and Wheaton College.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas, Barker, Basnight, Hipps, Swain, and Winner:

S.B. 69, a bill to create and fund a secondary road equalization fund.
Referred to Transportation Committee.

By Senators Thomas and Hipps:

S.B. 70, a bill to appropriate funds to build a welcome center on Highway 441 between the Town of Franklin and the Georgia State Line.
Referred to Appropriations Committee.

By Senator Kincaid:

S.B. 71, a bill to direct local school systems to either use textbook damage fees to rebind damaged textbooks or remit the funds to the State Board of Education.
Referred to Education Committee.

By Senator Barker:

S.B. 72, a bill to appropriate funds for acquisition of additional land for the State Port at Morehead City, and for engineering and planning purposes.
Referred to Natural and Economic Resources and Wildlife Committee.

By Senators Rand, Barker, Barnes, Basnight, Block, Daniel, Goldston, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Swain, Taft, Tally, Walker, Ward, Warren, and Winner:

S.B. 73, a bill to transfer funds for Health Systems Agencies.
Referred to Appropriations Committee.

By Senators Plyler, Barker, Conder, Martin of Pitt, Rand, Royall, and Taft:

S.B. 74, a bill to appropriate funds for a geography based curriculum program in the public schools.
Referred to Higher Education Committee.

By Senator Thomas:

S.B. 75, a bill to allow all State and local law enforcement officers to communicate in times of emergency.
Referred to Judiciary I Committee.

By Senator Barnes:

S.B. 76, a bill to appropriate funds to the Department of Correction to renovate a building at Cherry Hospital for use as a prison unit.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 77, a bill to amend Chapter 557 of the 1985 Session Laws relating to Winston-Salem uptown development projects.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Speed, Hunt of Moore, and Harris:

S.B. 78, a bill to require adequate disclosure by continuing care facilities.
Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 42, a bill to permit ABC Boards in Cleveland County to contract for law enforcement.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 19, a bill to permit alcoholic beverage licensees who are required to furnish a bond to pledge government bonds as collateral rather than obtain a bond from a corporate surety, upon second reading.
The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner-45.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

APPOINTMENT OF COMMITTEES

The President of the Senate announces the following changes in Committee appointments to standing committees:

AGRICULTURE COMMITTEE: Senator Sherron is appointed.

APPROPRIATIONS ON HUMAN RESOURCES COMMITTEE: Senator Guy is appointed.

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES COMMITTEE: Senator Guy is removed and Senator Speed is appointed.

ECONOMIC GROWTH COMMITTEE: Senator Walker is appointed.

ENVIRONMENT COMMITTEE: Senator Warren is removed.

HUMAN RESOURCES COMMITTEE: Senator Basnight is appointed.

PENSIONS AND RETIREMENT COMMITTEE: Senator Rauch is appointed.

APPOINTMENTS BY THE LIEUTENANT GOVERNOR

The Lieutenant Governor, President of the Senate, announces the following appointments:

ADVISORY BUDGET COMMISSION (G.S. 143-4): Senators Hardison, Martin of Guilford, Royall, Thomas, and Warren.

CAPITAL PLANNING COMMISSION (G.S. 143B-374): Senators Goldston, Hunt of Moore, Plyler, and Warren.

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE (G.S. 135-88): Senators Plyler, Harrington, Rand, Rauch, and Royall.

LEGISLATIVE ETHICS COMMITTEE (G.S. 120-99): Senators Winner (Chairman), Allran, Barnes, Smith, and Walker.

On motion of Senator Harrington, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 9:30 A.M.

FIFTEENTH DAY

SENATE CHAMBER,
Friday, February 27, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable J.J Harrington, President *Pro Tempore*.

Prayer is offered by the Reverend W. Allen Wentz, Pastor of Trinity United Methodist Church, Raleigh, as follows:

"O Lord our God, our Creator and the Maker of all that is about us in this wide wonderful world, we thank You for air, sunshine, clouds, trees, flowers, streams, rivers, and the variety of animals that live with us on this bright blue-green planet suspended in space by Your hand. We praise Your Holy Name, O God, for this gift of life, both in us and about us. Forbid us, Lord, that we should walk through this beautiful world of Yours with no sense of smell, sight, hearing, touch or taste. In this very building, we work amidst the beauteous bounty of Your creation; as we enjoy them we also give thanks for them.

"O Lord, we pray for these elected representatives of the people of North Carolina, they are Your people too, human beings, who have had placed upon them a heavy burden of responsibility. Enable them to be true and humble servants of the people and wise stewards of this world's resources. Guide us all and these Senators into right decisions for the people of North Carolina and our environment. Make us all so grateful for the bounties we enjoy that we all shall endeavor, by Your help, to deserve them more. Bless, O Lord, these Senators and this day of work, and where they are wrong, make them willing to change and where they are right, make them easy to live with. For all this, we pray in the Name of Christ, even Jesus our Lord. Amen."

Senator Guy for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* grants leaves of absence to Senators Hunt of Durham, Johnson of Wake, Royall, Seymour, Tally, and Staton for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S.B. 79, a bill to change the candidate filing period for the Caldwell County Board of Education.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Thomas:

S.B. 80, a bill to address the capital needs of the Office of Administrative Hearings and to modify and expand the distribution by that office of the North Carolina Register and other documents.
Referred to **Appropriations Committee.**

By Senator Redman:

S.B. 81, a bill to make school dropouts ineligible for drivers licenses.
Referred to **Education Committee.**

By Senators Harrington, Barker, Daniel, Hardison, Parnell, and Plyler:

S.B. 82, a bill to establish the Business License Information Office.
Referred to **State Government Committee.**

By Senator Smith:

S.B. 83, a bill to amend the Charter of the Town of Landis to implement the council-manager form of government.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Kincaid and Simpson:

S.B. 84, a bill to authorize loans and grants to units of government for construction and improvement of waste water treatment, water supply, and solid waste management systems.
Referred to **Environment Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 19, a bill to permit alcoholic beverage licensees who are required to furnish a bond to pledge government bonds as collateral rather than obtain a bond from a corporate surety, upon third reading.
The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Richardson, Sands, Shaw, Sherron, Smith, Speed, Swain, Taft, Thomas, Walker, Ward, Warren, and Winner--37.
Voting in the negative: None.
The bill is ordered sent to the House of Representatives.

RECOMMITTANCE

S.B. 28, a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality.

On motion of Senator Barnes the rules are suspended and the bill is taken from the **Judiciary I Committee** and recommitted to the **Local Government and Regional Affairs I Committee.**

ESCORT COMMITTEE

The President *Pro Tempore* orders a Special Message sent to the House of Representatives informing that Honorable Body that pursuant to **S.J.R. 12**, a joint resolution inviting the Honorable Martha Layne Collins, Governor of Kentucky, and the Honorable William F. Winter, former Governor of Mississippi, to address a joint session of the Senate and House of Representatives at 7:00 o'clock P.M. Monday, March 2, 1987, that Senators Royall and Tally are appointed to escort Governor Collins and Senators Rand and Staton are appointed to escort former Governor Winter along with a like Committee of the House of Representatives.

On motion of Senator Guy, seconded by Senator Basnight, the Senate adjourns to meet Monday at 6:30 P.M.

SIXTEENTH DAY

SENATE CHAMBER,
Monday, March 2, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Dennis P. Levin, Pastor, Bailey United Methodist Church, Raleigh, as follows:

"O God of Peace, help us to order our society so that people of many backgrounds will live at peace with one another.

"O God of Justice, help us to protect the innocent and bind their wounds; to stand firm against those who are a law unto themselves. Remind us that we are responsible for the things that we condone.

"O God of Rich Blessings, teach us responsibility with the resources You entrust to our care. Help us to be mindful of Your love for those least able to care for themselves and to address their needs with generosity and fairness.

"O God of Love, remind us that no program or law is more important than the spirit in which it is conceived and carried out. May the ladies and gentlemen of this Body be noble and gracious so that the laws they enact will reflect care and consideration and maintain the respect of the people of this great State.

"These things we pray in Thy Holy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 12 House of Representatives
Date: March 2, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information pursuant to **S.J.R. 12**, "A JOINT RESOLUTION INVITING THE HONORABLE

MARTHA LAYNE COLLINS, GOVERNOR OF KENTUCKY, AND THE HONORABLE WILLIAM F. WINTER, FORMER GOVERNOR OF MISSISSIPPI, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 7:00 O'CLOCK P.M. MONDAY, MARCH 2, 1987," the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to escort the Governors to the Joint Session.

Representative Jack Hunt and Representative Dan Blue to escort The Honorable William F. Winter and Representative Jo Foster and Representative Al Lineberry to escort The Honorable Martha Layne Collins.

Respectfully,
S/Grace A. Collins
Principal Clerk

The President recognizes the following pages serving in the Senate this week: Thomas White Archie, Raleigh; Susan V. Bradley, Tarboro; Noel Butler, Hamlet; Laura Carter, Henderson; Elizabeth Anne Ellis, Laurinburg; Michael Owen Ferguson, Raleigh; Michelle Lane Festerman, Reidsville; Jennifer Foster, Hatteras; Melissa B. Getz, Jacksonville; Letita Holt, Reidsville; Tommy McAllister, Jacksonville; Shannon Grey Nichols, Durham; Douglas Killian Norvell, Eden; Whitney Rich, New Bern; Elizabeth Marion Thomas, Winston-Salem; Manu Verma, Fayetteville; Jennifer Lynne Wheeler, Charlotte; Jennifer Blair Wilson, Madison; Frank Wrenn, Oxford.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Smith:

S.B. 85, a bill to authorize the City of Lexington to purchase natural gas by using informal bid procedures.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Allran:

S.B. 86, a bill to appropriate funds for art facilities in Catawaba County.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act.
Referred to **Judiciary IV Committee.**

H.B. 19, a bill to allow the Town of Kenansville, the County of Duplin, and the Duplin County Board of Education to lease certain property to the Duplin County Agri-Business Council, Inc., for the purpose of creating an agricultural display area and livestock arena.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 38, a bill to abolish the Kannapolis Street Planning Board, and delete a statutory reference to that Board.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 45, a bill to allow even-year elections for some multi-county sanitary districts.
Referred to **Election Laws Committee.**

H.B. 46, a bill to correct a typographical error in the ABC laws.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 48, a bill to provide for the stabilization of the prison population.
Referred to **Judiciary III Committee.**

H.B. 51, a bill to expand the Alexander County Board of Commissioners from three to five members.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 64, a bill to validate a conveyance by Tyrrell County to the Tyrrell County Rural Health Association, Inc.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 70, a bill to correct the effective date of the North Carolina Therapeutic Recreation Personnel Certification Act.
Referred to **State Government Committee.**

H.B. 71, a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards.
Referred to **State Government Committee.**

H.B. 74, a bill to increase the membership of the Town of Maxton ABC Board to four members and to provide for the appointment of the new member.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 82, a bill to allow the Town of Navassa to engage in community development activities with federal funds within Brunswick County.
Referred to **Local Government and Regional Affairs I Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 12

House of Representatives
March 2, 1987

Mr. President:

Pursuant to Senate Joint Resolution 12, A JOINT RESOLUTION INVITING THE HONORABLE MARTHA LAYNE COLLINS, GOVERNOR OF KENTUCKY, AND THE HONORABLE WILLIAM F. WINTER, FORMER GOVERNOR OF MISSISSIPPI, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 7:00 O'CLOCK P.M. MONDAY, MARCH 2, 1987 the House of Representatives stands ready to receive you in Joint Session for the purpose of hearing a report of the Commission on the Future of the South given by Governor William F. Winter, former Governor of Mississippi, and an address by the Honorable Martha Layne Collins, Governor of Kentucky.

Respectfully,
S/Grace A. Collins
Principal Clerk

Pursuant to **S.J.R. 12**, a joint resolution inviting the Honorable Martha Layne Collins, Governor of Kentucky, and the Honorable William F. Winter, former Governor

of Mississippi, to address a joint session of the Senate and House of Representatives at 7:00 o'clock P.M. Monday, March 2, 1987, the President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving The Southern Growth Policies Board's Report of the 1986 Commission on the Future of the South to be presented by the Honorable Martha Layne Collins, Governor of Kentucky and the Honorable William F. Winter, former Governor of Mississippi.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate recesses to meet in Joint Session with the House of Representatives for the purpose of receiving the Report of the Commission on the Future of the South presented by Governor Collins and former Governor Winter, and upon his further motion, upon dissolution of the Joint Session to stand adjourned to meet tomorrow, Tuesday, March 3, at 1:30 P.M.

Pursuant to the motion of Senator Harrington, the Senate preceded by its officers, repairs to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Report.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing.

The Joint Session is called to order by the Lieutenant Governor, Robert B. Jordan III.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable William F. Winter, former Governor of the State of Mississippi. The Sergeant-at-Arms and the Committee appointed by the President of the Senate and the Speaker of the House of Representatives escort the former Governor to the Well of the House.

Senator Staton presents the Honorable William F. Winter, former Governor of Mississippi to the President of the Senate who welcomes him to the Joint Session.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of Her Excellency the Governor of the Commonwealth of Kentucky, the Honorable Martha Layne Collins. The Sergeant-at-Arms and the Committees appointed by the President of the Senate and the Speaker of the House of Representatives escort the Governor to the Well of the House.

Senator Royall presents her Excellency, the Governor of the Commonwealth of Kentucky, the Honorable Martha Layne Collins, to the President of the Senate who welcomes her to the Joint Session.

On motion of Senator Staton the remarks of the Governors are spread upon the Journal as follows:

REMARKS OF LIEUTENANT GOVERNOR JORDAN

"It is a particular honor for this General Assembly to have with us tonight two of the nation's leaders in seeing that our country mobilizes its resources and people to secure the future.

"It was only a few years ago that the South lagged behind the rest of the nation in the educational attainment of our children and the economic opportunities available to our people.

"But that has changed with the aggressive leadership of Governors and Legislatures willing to take risks to move their states forward. Two of the leaders in our efforts for better schools and better economic opportunities are with us tonight: William Winter of Mississippi and Martha Layne Collins of Kentucky.

"Both of them were Lieutenant Governor before being elected Governor, and both of them succeeded in strengthening their states' education ethic by helping their states

understand the ever-closing link between economic development and educating our citizens.

"Our first speaker is well known to this General Assembly as one of the most progressive governors the South has had in its recent history. Currently, he balances his jobs as the senior partner in a distinguished law firm in Jackson with farming in his native community of Grenada. But since his term as governor expired in 1984, William Winter has become more than a citizen of Mississippi.

"He has become a leader of the South. He has been chairman of the Southern Growth Policies Board, Southern Regional Education Board, Appalachian Regional Commission, and Southern Regional Education Board's Commission on Quality in Education.

"But most important for our purposes tonight, Governor Winter was Chairman of the Commission on the Future of the South, and Chairman of the MDC panel which produced *SHADOWS IN THE SUNBELT*. The Commission was composed of twenty of the South's most distinguished citizens. It included Dr. Bob Albright and Representative Betsy Cochrane from North Carolina.

"Its report, *HALFWAY HOME AND A LONG WAY TO GO*, was written by North Carolina's own Doris Betts, one of our State's finest novelists. Here to tell us about it is its architect, one of the most consistent and eloquent spokesmen for a revitalized Southern economy, the Honorable William Winter."

REMARKS OF FORMER GOVERNOR WINTER

"It is almost like carrying coals to Newcastle to come to North Carolina to talk about new ideas and new strategies. For this is the State where so much of the successful effort in charting progressive educational and economic programs began. I think of Governor Luther Hodges and his concept of the Research Triangle carried to fruition by Governor Terry Sanford who put North Carolina years ahead of the rest of the South with an educational program that is just now being copied by some of the rest of us. This is where the idea of the Southern Growth Policies Board was advanced and where it was first organized.

"And while our Commission on the Future of the South was working last year to chart a course for the region, you were putting in place for this State your own strategies in your Commission on Jobs and Economic Growth under the leadership of Governor Jordan. I am particularly impressed with the recommendation for a North Carolina Rural Economic Development Center. That is the kind of innovation that will again have this state pointing the way to the solution of the problems of the region.

"It, of course, has been to try to address some of those problems that the Commission on the Future of the South was organized last year. I want to take a few minutes to give you a little of the background of our report. It was prepared against the background of serious structural changes in the South.

"Let us look for a moment at what has been happening during the 1980's. There has been a major shifting of public initiative from the federal government to the states and local subdivisions. There has been spotty economic growth that has adversely affected most rural areas. The farm economy, the energy economy, and the labor-intensive manufacturing economy have been having serious problems. The competition for business and for jobs has now moved to the Pacific Rim and Latin America. There is now a realization that only a continuing major investment in education is going to create the productive capacity that we need. And finally, there is the understanding that if we make it, we must make it together -- black and white, rural and urban, rich and poor -- that we are increasingly interdependent and that none of us can really get ahead unless we all get ahead.

"That is what this Report on the Future of the South is all about. It is not just a grab-bag of desirable alternatives. It is a statement of mandatory objectives which must be achieved ultimately if the South as a region is ever going to attain parity with the rest of the country. Because we do not have as much catching-up time as we did before, there is an urgency about the Report that we cannot ignore. That is why I hope you will respond to the call for specific constructive action that this Report presents.

"Let me say a word about our Commission. Representing leadership from every aspect of our region, the members brought a unique combination of ideas out of their own experience in government, in business, in education, and in journalism.

"The Commission identified three major work areas: human resource development, technology and innovation with special emphasis on global challenges, and government structure and fiscal capacity. There then followed what was the most systematic assembling of information about the region that has been undertaken in recent years -- maybe even for the first time ever.

"It was the feeling of the Commission that the structural changes that are taking place in the Southern economy today are so pervasive and far-reaching that only a massive unified strategy will be adequate to cope with our problems.

"We do not overstate that case when we insist that we are at a crossroads, and the direction we take or fail to take at this time can well prove to be irreversible in the future. Actually, the choices are rather clear. There should be little argument about their validity. The costs, however, will be considerable. I so not necessarily mean costs just in financial terms, although it would be naive to suggest that we can avoid substantial additional public and private investments. What may well be more difficult for us, however, is the giving up of some of our old ways of doing things -- in the running of our educational systems, in our economic development strategies, in our relationship to each other in the region, and to the rest of the world, in our parochial concerns over status and authority and turf, in the way we administer state and local governments.

"Nobody, least of all the members of the Commission, has said that it would be easy. We do, however, say that it is possible -- politically possible and economically possible -- to do everything that this Commission has recommended doing. These are not far-fetched, pie-in-the-sky fantasies. These are hard-nosed, no-nonsense programs that will move us to where we need to go. And we say that unless we take forthright, good-faith, action to carry out these recommendations, we shall relegate our region, or at least several million people of our region, to perhaps another hundred years of missed opportunity and unrealized goals.

"I would assume that you feel, as I do, that this is unacceptable -- unacceptable for purely humanitarian reasons, but also unacceptable out of simple political and economic self-interest. As our Report points out, just as our nation found more than a century ago that it could not endure half-slave and half-free, so our region cannot stand, much less move ahead, if we are permanently divided into two groups of people -- one thriving, prospering, enjoying the good life that comes from education and social privilege and political preferment -- the other struggling to survive, locked into an existence limited by ignorance, disease, and a changing way of making a living. There are more than sixty million of us living in this region now. That number increases rapidly each year. It is increasing very rapidly for poor children. It includes that six million adults over twenty-five, who are functionally illiterate. It numbers that 30% of land-owning farmers who soon must find a new livelihood. It embraces a rural population that after twenty years of steady upward progress during the sixties and seventies now has a per capita income less than three-fourths the national average and is now falling further behind each year.

"After a long, hard look at who we are and where we are, our Commission has come with a series of ten major strategic recommendations, which are in turn divided into a number of specific suggestions for action. When taken as a whole, they all add up to one overriding statement of policy -- that to get all the way home and guarantee our future, we must use our presently available resources more wisely and we must make major additional public and private investments in human capital. Some of the recommendations will cost more money now. But some will save money now -- and all will save money later over the long haul.

"I shall not take your time or Governor Collins time here tonight to detail those recommendations. They are presented in our report *Halfway Home And A Long Way To Go* in a very clear and concise way. I hope each of you will take the time to study that report, which I believe that you will find very readable, since it was put together in its final form by one of your own fine North Carolina writers, Doris Betts of Chapel Hill.

"I hope that you will feel after considering it that this report has hit right on the right priorities.

"I believe that we have, and I believe with equal assurance that a commitment of support from the General Assembly of North Carolina, aided and joined by other political leaders of the region, will make a critical difference in achieving parity for the South.

"That is not going to happen, though, if we approach it as we so often have in the past with a fragmented and casual strategy and a business-as-usual attitude. It will not happen if we listen to the cynics and the nay-sayers. We Southerners have been more inclined to put off doing things that we ought to do until the weather cooled, the crops were in, or the moon was right. Well let me suggest that the moon is right to do what we propose.

"This Report represents for the first time in the history of the South a carefully arrived at plan of action that will make a difference in the future of the South. Not just because this Commission has worked so hard on it -- and I cannot emphasize too strongly the hours and days and months of effort that have gone into this Report -- but because it does carry the right message and sends the right signals, I urge you to use it as a kind of playbook in the contest for the future. The lives of over sixty million people -- and of equal importance the lives of their children and grandchildren -- will be influenced by how you respond to the recommendations of this Report. The South is indeed at the crossroads, and we are looking for the right road to take. This is the road map, but we have to travel the road together. And if we do, I am satisfied that all of us can make it all the way home."

REMARKS OF LIEUTENANT GOVERNOR JORDAN

"Thank you Governor Winter for the challenges you have outlined for us.

"We are especially pleased tonight to have one of the nation's leading Governors with us. Martha Layne Collins is one of three women currently serving among the nation's fifty Governors. She chaired the 1984 Democratic National Convention.

"What Governor Collins preaches is education and economic growth. Everything else is a variation on that two-note theme.

"The Governor has just returned from an overseas industry hunt. In fact, you may know of her success in crafting the $125 million incentive package Kentucky offered to bring Toyota to her State.

"With the same determination, Martha Layne Collins picked up the flag of educational reform when it had fallen once in Kentucky prior to her administration.

"As a former teacher she knew about the needs of the classroom, and as Governor she launched a crusade which produced dramatic results, to improve Kentucky's schools.

"During her first year, she proposed massive reform which failed to pass the Legislature. She then called a special session and pushed through a $320 million dollar package, one of the best in the nation. And like Governor Winter, she has been able to get the people of her state to understand that it is a matter of economic urgency that we strengthen our human capital.

"Currently, Governor Collins chairs the Southern Governors' Association. As Chairman of the Southern Growth Policies Board, she has dedicated her term to implementing the ten regional objectives of the Commission on the Future of the South.

"Her presence here tonight, while the Kentucky Legislature is in Session, is testimony to her commitment of moving our region forward. Members of the General Assembly, it is with great honor that I present the Honorable Martha Layne Collins."

REMARKS OF GOVERNOR COLLINS

"I'm delighted to be here this evening to talk with you about the future of the Southern states. We in the South have a right to be proud of many aspects of our culture and our quality of life, but they will not be enough to sustain us in the future. As we move into the 1990's and beyond, it is critical that the South take a hard look at where we have been and where we want to stand in the 21st century world economy.

"Governor Winter and the members of his Commission were handed a difficult job and they proved themselves more than equal to it. They have produced a blueprint for action in the South. Now we face the tough part--implementing the plan.

"At one point during World War I, Americans became concerned that enemy submarines were getting too close to American shores. Some of the country's leading thinkers were offering sage advice about what should be done, and someone asked Will Rogers what he would suggest. He thought for a moment and said, 'I'd just make the ocean boil so the subs would have to leave.' The next question, of course, was 'How do we do that?' Rogers replied, 'That's up to you. I just make recommendations. It's someone else's job to implement them.'

"That's our situation. The South is halfway home, and thanks to the Commission, we have a road map. How do we make it the rest of the way? One thing is certain. We cannot allow this Report--these thoughtful and timely goals--to gather dust on our office shelves.

"This is a crucial time, not just for the South, but for the nation as a whole. We're transforming the ways we work, communicate and conduct business. We see evidence of those changes in satellite dishes up and down the most remote Appalachian hollows, in the robots that are transforming our factories, even in the automatic banking facilities on our city street corners.

"Change and movement are taking place in every aspect of our lives, and it is crucial that we take advantage of the new patterns being established. We must move as quickly as possible because part of the reason we're only halfway home is that the target keeps moving. Other states aren't standing still. They're moving and changing while we're still trying to pull up beside them. To complicate matters further, we're not just competing with other states anymore. We're competing globally.

"There's a new century coming and a new economy with it, and I believe the South should lead the way. Do we have special problems? Of course we do, but we also have special advantages and special opportunities.

"Our advantages are that we're a region of dependable and hardworking people. We're a region with extraordinary water, land, and mineral resources. We're a region of enviable climate and rich tradition. We're renowned worldwide for our scenic beauty and reputation for warmth and hospitality.

"Our opportunities are that new foreign and domestic industries have discovered our states, and we must find ways to keep them here and attract still more while protecting our quality of life.

"Another opportunity will come next year when we'll hold our first multi-state presidential primary. It will go a long way toward strengthening our role in setting the national agenda. When those candidates come to seek our support, the Southern states must speak to them with one voice--as a region. The multi-state primary will give us an unprecedented opportunity to work together, pool our resources and our efforts, and ensure a secure future for our individual states and the region as a whole.

"The issues that affect the South are not partisan issues, nor are they limited to state boundaries. The barriers to productivity that have held us back are common threads running throughout the South. All of us face the problems of illiteracy, the need for better schools and the decline of some of our traditional industries, so we must break down those barriers together.

"As we begin to implement the Commission's ten regional objectives, three things are clear. We must identify and develop leaders who can motivate and mobilize our people; we must use our resources wisely; and we must set up a structure for on-going progress.

"Visionary, thoughtful leaders are essential to the South because the crucial key to making changes and getting the rest of the way home is persuading our people to buy into the idea of progress. Only if they feel a sense of participation and ownership will our fellow southerners join us in moving ahead to new opportunities.

"The question then comes back to you and me. Are we motivated to change? Can we mobilize our constituencies to accomplish these objectives? Can we offer the effective leadership necessary to move the South forward as a region?

"The essence of leadership is not a defense of the *status quo*--a contentment with things as they are. Leadership--genuine and true leadership--requires a willingness to push beyond what is convenient to what is necessary. It requires a willingness to reach beyond what is easy to what is right, and a willingness to measure ourselves by the highest standard rather that the least common denominator. The most important quality of leadership is a belief that we can do better.

"In North Carolina, you've been fortunate to have leaders willing to question the *status quo*, and their boldness has brought you special progress. When Luther Hodges committed this State to building the Research Triangle Park, he was not deterred by those who found him too idealistic. When Terry Sanford committed this State to racial justice and public education, he was not deterred by those who said it was not popular. When Sam Ervin committed this nation to a reaffirmation that our leaders must be held accountable under the law, he was not deterred by those who said it would be difficult. And when Jim Hunt committed this State to rapid economic development, he was not deterred by those who thought the competition was too keen or the job too big.

"Your leaders have achieved success through their ability to mobilize public support for their initiatives. Reaching people and making them aware of the need to change isn't easy. Just getting their attention is a challenge. People are constantly entertained today, so they aren't easily impressed with mild pleas and vague rhetoric.

"Statistics don't always work either. We've become numb to them. They're no longer meaningful. It has been said that one death is a tragedy, but a million deaths is a statistic. So to bring our point across to the Southern people, it is essential that we spotlight not facts and figures, but changes being wrought on our individual citizens.

"We could promote adult literacy programs by saying that twenty-three million American adults are functionally illiterate--or we could talk about the 51-year-old woman in Texas who is now learning to read for the first time because she wants to read the Bible.

"We could promote education by saying that thirty percent of our American people do not have high school diplomas--or we could talk about Steve, the janitor in the Kentucky Capitol Building, who dropped out of school after the 10th grade. He just completed his GED and his test scores were so high that he is now applying to several colleges, and his own positive experience has convinced his wife to continue her education, too. Southerners like Steve and the woman learning to read know that the world is changing and they want to keep up with it. They've bought in.

"While we're talking about our people who are still struggling, we should also tell our success stories because our situation isn't as bleak as some would have us believe. When the Toyota Motor Company decided to build a plant in the United States, they didn't go to Massachusetts or California. They came to Kentucky--to the South. That $800 million plant with its 3,000 jobs and $80 million payroll has been a turning point in the State's history.

"The changing economy has underscored even more clearly the critical need for preparing our young people for the jobs of tomorrow. We worked for two years to pass the most sweeping education reform package in Kentucky's history. That package brought with it smaller class sizes, more money for teachers, and new remedial programs, but more important, it brought about a new respect for learning among our people.

"Also in Kentucky, we've put more money into higher education than at any time in the past two decades, and I've recently created the Governor's Council on Science and Technology, because our own ability to generate and use technology will be a cornerstone of our future progress.

"All the Southern states have accomplishments like these to be proud of, and as we work toward our common goals, it's important to maintain our sense of pride while realizing that we must also work together as a region to motivate our people and achieve further progress.

"If motivating and mobilizing people is rarely easy, finding the resources to implement change is even harder. The more limited our resources are, the more important it becomes to use them thoughtfully and judiciously.

"Many of the programs needed to implement the Commission's recommendations will cost money, but many will not. Many can be implemented without additional cost or by using old money in new ways, but it is essential that we begin immediately to direct our resources toward these long-term investments that will give us the greatest return.

"As we distribute our resources, whether they involve existing funds or new appropriations, it is critical that we never lose sight of our goals and priorities. We must

look beyond the immediate concerns of today and focus on where we want to be five, ten, and twenty years from now. Clearly, the South cannot afford short-term, quick-fix solutions. They haven't worked in the past and they certainly won't work in this new global age.

"To get the rest of the way home, we must set up a structure that will continue our momentum in the years ahead and clear the paths to opportunity for future generations. If we really are going to lead the nation and the world into the 21st century, we must be willing to take some very obvious steps.

"We must be willing to do what is necessary to recruit and keep the best teachers for our schools. We must be willing to do what is necessary to ensure that our students stay in school and learn while they are there. We must be willing to do what is necessary to help agricultural and manufacturing workers move into new lines of work with new skills and renewed faith in our economy. We must be willing to share ideas and resources, and to pull together. The progress of the Southern states, both individually and collectively, depends on it because if we don't do it for ourselves, it simply won't be done. No one in Washington or New York or Tokyo or London is going to do it for us.

"The 'Halfway Home' Report can be a turning point for the South. I've already seen great enthusiasm for its findings. Our challenge is to turn that enthusiasm into aggressive action in North Carolina, in Kentucky, and in every Southern state. Each of our states must adopt these goals and make them our top priorities in our budgets and our legislative sessions.

"While we'll continue to compete good-naturedly among ourselves, we must also work together to move the entire region ahead. The Southern primary will be our best opportunity for the kind of cooperative effort that will give all of us a stronger voice on the national scene.

"I know that our goals are realistic, because I've seen how far we've already come, and while it's true that we have a long way to go, none of us is making the journey alone. You and I share the same hopes and dreams for our states and for the South as a whole. We share a common vision of what our region can become, and each of us wants to be a part of making that vision a reality.

"In November, when this Report was presented to the Southern Growth Policies Board, a Commission member--Harriet Zimmerman--eloquently summarized our feelings and our challenge. She repeated an expression from her faith that you and I should carry in our hearts as we continue to take the South the rest of the way home. 'We're not commanded to perfect the world but neither are we permitted to desist from trying.'"

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow, Tuesday, March 3, at 1:30 P.M.

SEVENTEENTH DAY

SENATE CHAMBER,
Tuesday, March 3, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Holiness and Compassion, we as preachers and politicians receive much praise and public recognition, which could easily lead us into personal and spiritual pride. But when we look into our heart of hearts, we know that we like all Thy other children stand in need of Thy grace, Thy forgiveness, and Thy guidance. So we put on sackcloth and ashes like the priests, prophets, and rulers of old, and pray with the Psalmist: Have mercy upon us O God according to Thy lovingkindness--blotting out all our transgressions--creating in us clean hearts and renewing a right spirit within us.

"So that others may see Your love, Your joy, and Your justice, and Your compassion expressed in all that we do and say in this place and in every place. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Allran for today due to illness in his immediate family.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee:**

S.B. 75, a bill to allow all State and local law enforcement officers to communicate in times of emergency, with a favorable report.

By Senator Swain for the **Judiciary III Committee:**

S.B. 55, a bill to limit interrogatories to 50 without prior court approval, with a favorable report.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

S.B. 79, a bill to change the candidate filing period for the Caldwell County Board of Education, with a favorable report.

S.B. 83, a bill to amend the Charter of the Town of Landis to implement the council-manager form of government, with a favorable report, as amended.

By Senator Staton for the **Economic Growth Committee.**

S.B. 35, a bill to appropriate funds for the North Carolina Rural Economic Development Center, with a favorable report.

On motion of Senator Staton, the bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marvin:

S.B. 88, a bill to regulate the adoption of voting systems by local governments.
Referred to **Election Laws Committee.**

By Senator Marvin:

S.B. 89, a bill to require declarations of intent and petitions for write-in candidates.
Referred to **Election Laws Committee**.

On motion of Senator Harrington, seconded by Senator Simpson, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTEENTH DAY

SENATE CHAMBER,
Wednesday, March 4, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Steve Compton, Minister of St. Francis United Methodist Church, Cary, as follows:

"God of our fathers and mothers, God of us all, You alone are to be praised in this day, for You have seen the needs of Your people, and You alone have given hope to us which sustains us in life through all our difficulties. Continue in Your mercy, O God; be our strength and our redemption, and bring pardon to us for all our disobedience.

"We commend to You this State and its leaders, who are gathered in this place. We pray, O God, for these men and women who are entrusted with offices of leadership and responsibility in this State. We pray for our Governor, our Lieutenant Governor, and all who sit as Members of the General Assembly. Bestow upon them wisdom and courage to make laws that are just and forever in the best interest of the citizens of this State.

"O God of all Creation, for this beautiful land called North Carolina and for its people, we offer You praise and thanksgiving. To the honor of Your Holy Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Allran for today due to illness in his family.

The President extends courtesies of the gallery to Roman L. Hruska, former United States Senator from Nebraska.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 5, a bill to extend the time by which a tax collector must make his annual report and settlement of property taxes collected, with a favorable report.

S.B. 16, a bill to clarify the sales tax exemption for materials used to construct or repair certain farm buildings, with a favorable report.

S.B. 22, a bill to repeal obsolete local acts concerning property taxes, with a favorable report.

By Senator Kaplan for the **Election Laws Committee**:

S.B. 32, a bill to provide that in all elections with voting devices requiring the voter to punch or mark a number in order to cast a straight-party ticket, the number shall be uniform statewide, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Allran:

S.B. 90, a bill to appropriate funds to save The Historic Parsonage in Hickory.
Referred to **Appropriations Committee**.

By Senators Plyler, Conder, Parnell, and Walker:

S.B. 91, a bill to prohibit the establishment of hunter check stations on the Sandhills Game Lands.
Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Simpson and Kincaid:

S.B. 92, a bill to require notification of victims that a parole decision is pending.
Referred to **Judiciary IV Committee**.

By Senator Redman:

S.B. 93, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Iredell County.
Referred to **Local Government and Regional Affairs II Committee**.

By Senator Barnes:

S.B. 94, a bill to recodify the laws relating to fraternal benefit societies and fraternal orders.
Referred to **Judiciary I Committee**.

By Senators Martin of Guilford, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hunt of Moore, Martin of Pitt, Marvin, Parnell, Rauch, Richardson, Royall, Seymour, Shaw, Smith, Speed, Swain, Taft, Tally, Walker, Ward, Warren, and Winner:

S.B. 95, a bill to establish a Statewide Health Promotion and Disease Prevention Program.
Referred to **Human Resources Committee**.

By Senators Shaw, Ezzell, Martin of Pitt, Martin of Guilford, Simpson, and Smith:

S.B. 96, a bill to make the evidence of the usage of seat belts inadmissible in criminal or civil proceedings.
Referred to **Judiciary I Committee**.

By Senator Hunt of Durham:

S.B. 97, a bill to ensure that the public has notice of all restaurants' health ratings.
Referred to **Human Resources Committee**.

By Senator Somers, Johnson of Cabarrus, Simpson, McDuffie, and Smith:

S.B. 98, a bill to require day care centers to determine the criminal histories of all employees.
Referred to **Children and Youth Committee.**

By Senators Somers, Smith, McDuffie, and Simpson:

S.B. 99, a bill to require the defendant convicted of child abuse to pay for rehabilitative treatment for victim as part of sentence.
Referred to **Judiciary III Committee.**

By Senator Ezzell:

S.B. 100, a bill to clarify the provision of G.S. 48-36(d) specifying what shall be contained in an order changing the name of an adopted person who is 18 or more years of age as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

By Senator Ezzell:

S.B. 101, a bill to amend the Business Corporation Act to provide reasonable guidelines for indemnification and liability for corporate directors as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

By Senator Ezzell:

S.B. 102, a bill to authorize the service of summonses in civil actions by any person who is not a party to the action and is not less than 18 years of age as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

By Senators Hunt of Moore and Marvin:

S.B. 103, a bill to make certain changes in the distributive award of vested pension and retirement benefits.
Referred to **Pensions and Retirement Committee.**

Senator Walker moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.
By Senator Walker:

S.B. 104. a bill to allocate additional Federal Social Services Block Grant Funds.
Referred to **Appropriations Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 79, a bill to change the candidate filing period for the Caldwell County Board of Education.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 83, a bill to amend the Charter of the Town of Landis to implement the council-manager form of government.
On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 55, a bill to limit interrogatories to 50 without prior court approval.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 75, a bill to allow all State and local law enforcement officers to communicate in times of emergency.

The bill passes its second (electronically recorded) and third readings is ordered sent to the House of Representatives.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Plyler moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Plyler, Rand, Royall, and Parnell:

S.B. 111, a bill to create an Emergency Prison Facilities Development Program and an Emergency Prison Facilities Fund to pay for the same.

Referred to Appropriations Committee.

RE-REFERRAL

S.B. 57, a bill to appropriate funds for the North Carolina Senior Games Program.

On motion of Senator Plyler and without objection, the bill is taken from the Appropriations Committee and re-referred to the Veterans Affairs and Senior Citizens Committee.

On motion of Senator Harrington, seconded by Senator Kincaid, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETEENTH DAY

SENATE CHAMBER,
Thursday, March 5, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Family, we thank Thee for the love, joy, security, and support which we have experienced in our family circle. For loving mothers and fathers who helped us to develop a strong sense of self worth; for the importance of weekly corporate worship which we learned from devout parents and grandparents; for the wonder of childhood; for the adventures of adolescence; for the joy of finding someone with whom we could share our hopes and dreams, our sorrows and our needs; for the excitement and responsibilities of parenthood; and for the joy which children and grandchildren have brought into our lives; we give Thee thanks, O Lord. And having been so richly blessed in our own family circle, give us the determination to enact legislation which will protect the rights and opportunities of all the families of our State. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Allran and Guy for today.

The President grants courtesies of the floor to the Honorable Richard A. Gephardt, Member of the United States House of Representatives from Missouri, and courtesies of the gallery to the Honorable Craig B. Ellis, Senior Resident Superior Court Judge for the Sixteenth Judicial District.

The Senate recognizes Senator Helen Rhyne Marvin receipient of one of the Distinguished Women of North Carolina Awards given by the North Carolina Council on the Status of Women.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Environment Committee:**

S.B. 46, a bill to amend the powers of the Radiation Protection Commission to provide for the development and adoption of criteria and standards for low-level radioactive waste facilities, with a favorable report, as amended.

On motion of Senator Winner, the bill is placed on the Calendar for Tuesday, March 10.

S.B. 47, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities, with a favorable report, as amended.

On motion of Senator Winner, the bill is placed on the Calendar for Tuesday, March 10.

S.B. 49, a bill to suspend the issuance of any license for a commercial low-level radioactive waste facility, with a favorable report, as amended.

On motion of Senator Winner, the bill is placed on the Calendar for Tuesday, March 10.

By Senator Plyler for the **Appropriations Committee:**

S.B. 10, a bill to repeal the reversion of Willie M. Funds, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered without objection, sent to the House of Representatives by special messenger.

S.B. 73, a bill to transfer funds for Health Systems Agencies, with a favorable report.

On motion of Senator Rand, the bill is placed on the Calendar for Monday, March 9.

S.B. 104. a bill to allocate additional Federal Social Services Block Grant Funds, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 111, a bill to create an Emergency Prison Facilities Development Program and an Emergency Prison Facilities Fund to pay for the same, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

Senator Rand offers Amendment No. 3 which is adopted (electronically recorded).

Senator Plyler calls the previous question, seconded by Senator Harris. The call is sustained. The bill, as amended, passes its second reading (electronically recorded) and, without objection, remains on the Calendar upon third reading.

The bill, as amended, passes its third reading and is ordered without objection, sent to the House of Representatives by special messenger, without engrossment.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ezzell:

S.B. 105, a bill under Chapter 50 to protect the property of an incompetent spouse but to prevent the entry of a divorce decree on behalf of the incompetent as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

By Senator Ezzell:

S.B. 106, a bill to make it clear that the testimony of an injured party as to the amount of medical charges only establishes a rebuttable presumption of the reasonableness of the amount of the medical charges as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

By Senator Ezzell:

S.B. 107, a bill to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

By Senator Johnson of Wake (By Request):

S.B. 108, a bill to amend the Workers' Compensation Act to include services performed in agricultural labor for certain employing units as "employment".

Referred to **Manufacturing and Labor Committee.**

By Senators Plyler and Conder:

S.B. 109, a bill to permit pensioners in the Firemen's and Rescue Squad Workers' Pension Fund to perform volunteer duties while receiving a pension.

Referred to **Pensions and Retirement Committee.**

By Senators Royall, Barker, Barnes, Basnight, Block, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 110, a bill to enact and appropriate funds for the North Carolina Clean Water Loan and Grant Fund Act of 1987.

Referred to **Economic Growth Committee.**

By Senator Hunt of Durham:

S.B. 112, a bill to abolish second primaries.
Referred to **Election Laws Committee.**

By Senator Rauch, Barker, Basnight, Block, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, Parnell, Plyler, Richardson, Royall, Sands, Soles, Speed, Staton, Tally, Thomas, Walker, and Ward.

S.B. 113, a bill to provide a State income tax credit to employers who create jobs in severely distressed counties of the State.
Referred to **Economic Growth Committee.**

By Senators Conder and Plyler:

S.B. 114, a bill to suspend the issuance of any permit for, selection or operation of, and approval of a commercial hazardous waste facility of any type.
Referred to **Environment Committee.**

By Senators Block and Rauch:

S.B. 115, a bill to make English the Official Language of North Carolina.
Referred to **Judiciary IV Committee.**

Senator Barnes rises to a point of parliamentary inquiry as to the majority vote required to call to the floor, read, and commit to a standing committee a bill ordered held as filed upon motion. The Chair rules that a motion to remove a bill ordered held as filed to refer to a committee is done by simple majority.

Senator Barnes offers a motion that **S.B. 65**, a bill to adopt a comparative fault system and make it inapplicable to State torts and **S.B. 66**, a bill to adopt a comparative fault system for State torts be presented to the Senate for first reading and further moves that the bills be referred to **Judiciary I Committee.**

The Chair rules that a motion is in order that the bills be taken from held as filed status and read for referral after which a further motion is in order.

Senator Barnes offers a motion that **S.B. 65 and S.B. 66** ordered held as filed February 25 be presented to the Senate for first reading for referral, which motions prevail (electronically recorded).

Senator Barnes offers a motion that **S.B. 65**, a bill to adopt a comparative fault system and make it inapplicable to State torts, be referred to **Judiciary I Committee** and calls the previous question, seconded by Senator Soles.

Senator Cobb rises to a point of parliamentary inquiry as to the proper order of motions being reference to a standing committee by the Chair followed by a motion to recall and refer to a second committee. The Chair rules that the motion as offered by Senator Barnes is in order, citing Senate Rule 43.

The call for the previous question is sustained (electronically recorded). The motion offered by Senator Barnes to refer the bill to the **Judiciary I Committee** prevails (electronically recorded) and the Chair refers the bill to the **Judiciary I Committee.**

S.B. 66, a bill to adopt a comparative fault system for State torts, is read a first time pursuant to the prevailing motion heretofore offered by Senator Barnes.

Senator Barnes offers a motion that the bill be referred to the **Judiciary I Committee** which motion prevails (electronically recorded). The Chair refers the bill to the **Judiciary I Committee.**

Senator Soles offers a motion that the vote by which the motion to refer the bill to the **Judiciary I Committee** prevailed be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded). The bill remains in the **Judiciary I Committee.**

S.B. 65, a bill to adopt a comparative fault system and make it inapplicable to State torts.

Senator Soles offers a motion that the vote by which the motion to refer the bill to the **Judiciary I Committee** prevailed be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded). The bill remains in the **Judiciary I Committee**.

RE-REFERRAL

S.B. 84, a bill to authorize loans and grants to units of government for construction and improvement of waste water treatment, water supply, and solid waste management systems, without objection, the Chair orders the bill taken from the **Committee on Environment** and re-refers it to the **Committee on Economic Growth**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 5, a bill to extend the time by which a tax collector must make his annual report and settlement of property taxes collected.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 16, a bill to clarify the sales tax exemption for materials used to construct or repair certain farm buildings.

On motion of Senator Rauch, the bill is recommitted to the **Finance Committee**.

S.B. 22, a bill to repeal obsolete local acts concerning property taxes.

On motion of Senator Rauch, consideration of the bill is postponed until Monday, March 9.

S.B. 32, a bill to provide that in all elections with voting devices requiring the voter to punch or mark a number in order to cast a straight-party ticket, the number shall be uniform statewide.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 55, a bill to limit interrogatories to 50 without prior court approval, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Redman, the Senate adjourns, in memory of Randolph Scott, to meet tomorrow at 10:00 A.M.

TWENTIETH DAY

SENATE CHAMBER,
Friday, March 6, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Reverend Hope Morgan Ward, Minister of Soapstone United Methodist Church, Raleigh.

Senator Harris for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harrington, who has legislative business in his district, Johnson of Cabarrus, who is addressing sixth grade classes of the Mecklenburg County School System, and to Senators Rand, Allran, Barker, Goldston, Royall, McDuffie, and Guy.

The President recognizes Elizabeth Hipps serving as a Page in the Lieutenant Governor's Office this week.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Durham for the **Pensions and Retirement Committee.**

S.B. 68, a bill to change the Senate membership of the Committee on Employee Hospital and Medical Benefits, with a favorable report.

By Senator Swain for the **Judiciary III Committee.**

H.B. 48, a bill to provide for the stabilization of the prison population, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barker:

S.B. 116, a bill to permit the taking of one antlerless deer during a muzzle-loading firearms season with a bag limit of five or more.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Johnson of Cabarrus:

S.B. 117, a bill to authorize the City of Concord to regulate abandoned, junked vehicles for aesthetic purposes.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Simpson and Kincaid:

S.B. 118, a bill to protect State employees from retaliation for reporting government waste and abuse, substantial endangerment to the public health and safety, or other activities.
Referred to **State Personnel Committee.**

By Senators Johnson of Wake, Daniel, Sherron, Speed, Taft, Tally, and Warren:

S.J.R. 119, a joint resolution honoring the founders of a century ago of today's North Carolina State University.
On motion of Senator Johnson of Wake, the joint resolution is placed on the Calendar for Tuesday, March 10, as Special Order of Business No. 1.

By Senators Swain, Martin of Guilford, Marvin, and Parnell:

S.B. 120, a bill to revise the eligibility requirements for community service parole.
Referred to **Judiciary III Committee.**

By Senators Swain and Martin of Guilford:

S.B. 121, a bill to amend the parole eligibility requirements for committed youthful offenders sentenced under Chapter 90 of the General Statutes.
Referred to **Judiciary III Committee.**

By Senator Harris:

S.B. 122, a bill to appropriate funds for the construction of a chapel at the Western Correctional Center in Morganton.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 50, a bill to develop a program for academic and vocational education training in the Department of Correction.
Referred to **Judiciary III Committee.**

H.B. 67, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities.
Without objection, the Chair places the bill on the Calendar for Tuesday, March 10, in its proper order of business along with identical **S.B. 47**, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 111, a bill to create an Emergency Prison Facilities Development Program and an Emergency Prison Facilities Fund to pay for the same, as amended, for concurrence in House Amendment No. 1.
On motion of Senator Plyler, the rules are suspended, and the bill, as amended is placed before the Senate for immediate consideration.
On motion of Senator Plyler, seconded by Senator Seymour, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 111, an act to create an Emergency Prison Facilities Development Program and an Emergency Prison Facilities Fund to pay for the same. (Ch. 3)

On motion of Senator Harris, seconded by Senator Shaw, the Senate adjourns to meet Monday at 7:00 P.M.

TWENTY-FIRST DAY

SENATE CHAMBER,
Monday, March 9, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Jerry Juren, Minister of the First United Methodist Church, Mount Gilead, as follows:

"Eternal God, Creator and Sustainer of all life, we offer praise and thanks unto Thee for Thy great mercy. May the strength of Thy love inspire us to rise positively to the tasks and opportunities that confront us. Awaken us to whatever challenge may present itself in this hour, and enable us to replay with a measure of sensitivity and courage equal to the occasion. Grant us the will to serve for the greater good of all; fill our minds with an incentive to noble deeds. Give us the grace to say 'yes' or to say 'no' with sincerity, when in the course of responsibility we should. Keep ever before us those social responsibilities that rest so heavily upon us. Make us to know that our accomplishments are limited largely by the goals we set. Give us, therefore, faith to venture into paths of progress through concentrated effort. May we never lose sight of Thy will in the making of the laws of our State, in the making of the peace of this world, and in the compulsion to enable the citizens whom we serve to fuller and more meaningful lives. Once again, we sincerely ask that You abide in our hearts, accompany us in our thinking, and endow us with strength for the privilege which is ours in the midst of all that is before us. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absences to Senators Allran, due to the death of his father, and to Senator Winner for tonight.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S.B. 123, a bill to provide additional procedures for Caldwell County to increase the size of fire tax districts.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Harrington and Basnight:

S.B. 124, a bill to provide that 1986 funds appropriated to Historic Hope Foundation may be used for a different public purpose.
Referred to **Appropriations Committee.**

By Senators Smith and Johnson of Wake:

S.J.R. 125, a joint resolution to honor the life and memory of Russell F. Vanlandingham, a former member of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 77, a bill to provide an alternate procedure for cancellation of a deed of trust.
Referred to **Judiciary IV Committee.**

H.J.R. 105, a joint resolution urging Congress to take final action on the 1987 Federal Highway Act.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 126, a bill to regulate the adoption of voting systems by local governments.
Referred to **Election Laws Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 22, a bill to repeal obsolete local acts concerning property taxes.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 68, a bill to change the Senate membership of the Committee on Employee Hospital and Medical Benefits.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 73, a bill to transfer funds for Health Systems Agencies.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 48, a bill to provide for the stabilization of the prison population.
On motion of Senator Swain, Committee Amendments No. 1 and No. 2 are adopted.
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2, by special messenger.

The President recognizes the following pages serving in the Senate this week: Valerie Averell, Charlotte; Holly Jo Cobb, Ruffin; Rhonda Leslie Corwin, Forest City; Tijuana Darlene Evans, Hickory; Tonya Harris, Connelly Springs; Sarah Heekin, Goldsboro; Sandra Imperial, Spring Lake; Andrea Rae Ingle, Canton; Amy Jackson, Tryon; Ann Kenion, Charlotte; Laurie Lynne Klatt, Raleigh; Renee Darlene Liscomb, Roanoke Rapids; Kristin Andrea O'Donnell, Goldsboro; Angela Renee Revis, Marion; Becky Cheek Searcy, Forest City; Kate Sheppard, Shelby; Teresa Shutt, Winston-Salem; Julie Ann Thomas, Cary; Keonna Torrence, Charlotte; Sarah White, Greensboro; Mary Kathleen Wilson, Sanford; and Dorothea Diana Young, Conover.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 10, an act to repeal the reversion of Willie M. Funds. (Ch. 4)

S.B. 42, an act to permit ABC Boards in Cleveland County to contract for law enforcement. (Ch. 5)

S.B. 104. an act to allocate additional Federal Social Services Block Grant Funds. (Ch. 6)

S.J.R. 61, a joint resolution honoring the life and memory of L.A. "Speed" Riggs. (Res. 4)

On motion of Senator Harrington, seconded by Senator Smith, the Senate adjourns in memory of Jacob Franklin Alexander, former Deputy Secretary of the Department of Transportation, to meet tomorrow at 1:30 P.M.

TWENTY-SECOND DAY

SENATE CHAMBER,
Tuesday, March 10, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Don Lee Harris, Minister of Trinity United Methodist Church, Jacksonville, as follows:

"Our God, Thou Who hast chosen to speak and to listen to such as we, hear this prayer of our hearts.

"Grant to us Your help and guidance so that we do well in that which we have been chosen.

"Grant that with Your help and guidance, we may never have to apologize for our labors.

"Grant that we may never have to fear criticism and make excuses for our actions.

"And grant, O, Lord, that at the end of each day, we can rest the night away in peace, knowing that You have been our help and our guidance, and that it was good. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants courtesies of the gallery to Bruce R. Polton, Chancellor of North Carolina State University; James A. Hackney III, Chairman of the North Carolina State University Board of Trustees; John T. Caldwell, Chancellor Emeritus of North Carolina State University; Carey H. Bostian, Chancellor Emeritus of North Carolina State University; and to members of their families accompanying them.

SPECIAL ORDER OF BUSINESS NO. 1

S.J.R. 119

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 119**, a joint resolution honoring the founders of a century ago of today's North Carolina State University.

The joint resolution passes its second reading (electronically recorded).

The members standing pass the joint resolution on its third reading and it is ordered, without objection, sent to the House of Representatives, by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act, with a favorable report.

S.B. 11, a bill to clarify procedures for implementing income withholding pursuant to a supporting party's request, with a favorable report, as amended.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

S.B. 85, a bill to authorize the City of Lexington to purchase natural gas by using informal bid procedures, with a favorable report.

H.B. 51, a bill to expand the Alexander County Board of Commissioners from three to five members, with a favorable report.

H.B. 64, a bill to validate a conveyance by Tyrrell County to the Tyrrell County Rural Health Association, Inc. with a favorable report.

H.B. 82, a bill to allow the Town of Navassa to engage in community development activities with federal funds within Brunswick County, with a favorable report.

S.B. 29, a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Marvin, the Committee Substitute bill is placed on the Calendar for Wednesday, March 11.

By Senator Swain for the **Judiciary III Committee:**

S.B. 120, a bill to revise the eligibility requirements for community service parole, with a favorable report.

S.B. 121, a bill to amend the parole eligibility requirements for committed youthful offenders sentenced under Chapter 90 of the General Statutes, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Sherron, Guy, Hardison, Martin of Pitt, Royall, Smith, Swain, and Tally:

S.J.R. 126, a joint resolution memorializing Congress to eliminate discrimination in benefits under the Social Security Act against persons born from 1917 through 1921, the "notch babies".

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 127, a bill to establish a State lottery after a binding referendum.
Referred to **State Government Committee.**

By Senators Staton, Speed, Johnson of Wake, and Sherron:

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons.
Referred to **Finance Committee.**

By Senators Walker, Hardison, Harris, Martin of Guilford, Marvin, Redman, Royall, Tally, and Ward:

S.B. 129, a bill to provide for pioneer testing of funding policy proposals for mental health, mental retardation, and substance abuse.
Referred to **Human Resources Committee.**

By Senators Staton, Sherron, and Speed:

S.B. 130, a bill to amend the City of Raleigh facility fee enabling legislation.
Referred to **Finance Committee.**

By Senators Staton, Sherron, Johnson of Wake, and Speed:

S.B. 131, a bill to revise the penalties for littering.
Referred to **Judiciary II Committee.**

By Senator Somers:

S.B. 132, a bill to require that students who engage in school-sponsored extracurricular activities make satisfactory educational progress.
Referred to **Education Committee.**

By Senators Rand, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Richardson, Royall, Sands, Seymour, Sherron, Soles, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren:

S.B. 133, a bill to appropriate funds for domestic violence centers throughout the State.
Referred to **Appropriations Committee.**

By Senators Royall, Hardison, Harris, Kaplan, Martin of Guilford, Marvin, Swain, Taft, Tally, Walker, and Ward:

S.B. 134, a bill to appropriate funds for a special living and training center for autistic adults.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 12, a bill to provide for coded bill drafts, where the law to be amended is set out showing the deletions and insertions proposed by the bill.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 49, a bill to authorize the Administrative Office of the Courts to conduct a study of presentence reports.

Referred to **Judiciary III Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the Act for some persons or companies providing services to the State or local governments, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow, March 11.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 46, a bill to amend the powers of the Radiation Protection Commission to provide for the development and adoption of criteria and standards for low-level radioactive waste facilities.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

Senator Thomas offers Amendment No. 2. Senator Harris offers a motion that the bill, as amended, with Amendment No. 2 pending be recommitted to the **Environment Committee,** which motion fails to prevail (electronically recorded). Senator Thomas calls the previous question, duly seconded. The call is sustained. Amendment No. 2 fails of adoption (electronically recorded).

Senator Simpson offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 47, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 49, a bill to suspend the issuance of any license for a commercial low-level radioactive waste facility.

On motion of Senator of Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 67, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities.

On motion of Senator Tally, consideration of the bill is postponed until Friday, March 13.

On motion of Senator Harrington, seconded by Senator Ezzell, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-THIRD DAY

SENATE CHAMBER,
Wednesday, March 11, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Father Robert Whalen, Minister of St. Michaels Catholic Church, Cary, as follows:

"O God, to quote Roy G. Taylor in his book *Sharecroppers*: *The way we really were*: 'It's spring in Carolina when its a little too cool to sit in the shade and a little too warm in the sun. The children take off their shoes and feel the cool earth on their feet, giving them a sense of freedom that only a child can appreciate.' Lord, God, You are the Giver, You are the Gift. We thank You for another day to serve the people of North Carolina in this Senate Chamber with the freedom of the children of God who we are. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 48, an act to provide for the stabilization of the prison population. (Ch. 7)

S.J.R. 119, a joint resolution honoring the founders of a century ago of today's North Carolina State University. (Res. 5)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

S.B. 72, a bill to appropriate funds for acquisition of additional land for the State Port at Morehead City, and for engineering and planning purposes, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Appropriations Committee**.

By Senator Rauch for the **Finance Committee**:

S.B. 20, a bill to eliminate the requirement that a nonresident retail or wholesale merchant register with the Department of Revenue for sales tax purposes, with a favorable report.

S.B. 64, a bill to authorize Nash County to levy a room occupancy and tourism development tax, with a favorable report as amended.

S.B. 60, a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Friday, March 13.

By Senator Seymour for the Alcoholic Beverage Control Committee:

H.B. 46, a bill to correct a typographical error in the ABC laws, with a favorable report.

H.B. 74, a bill to increase the membership of the Town of Maxton ABC Board to four members and to provide for the appointment of the new member, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Harrington moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by two-thirds majority vote.

By Senator Harrington:

S.J.R. 144, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments.

On motion of Senator Harrington, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded), and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Simpson, Kincaid, and Smith:

S.B. 135, a bill to provide for the convening of a grand jury to investigate crimes involving the exploitation or exhibition of children.

Referred to **Children and Youth Committee**.

By Senators Sherron, Hardison, Swain, Tally, and Taft:

S.B. 136, a bill to provide a model code for procurement of architectural and engineering services by State and local government.

Referred to **State Government Committee**.

By Senator Thomas:

S.B. 137, a bill to provide that an auction is not an "off-premises sale".

Referred to **Judiciary II Committee**.

By Senators Hunt of Moore, and Walker:

S.B. 138, a bill to authorize Moore County to levy a room occupancy tax.

Referred to **Local Government and Regional Affairs II Committee**.

APPOINTMENT BY THE GOVERNOR

The Chair directs the Reading Clerk to read the following letter from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611
March 6, 1987

The Honorable Robert B. Jordan, III
Lieutenant Governor
State Legislative Office Building
Raleigh, North Carolina 27611

Re: Appointment of State Controller

Dear Lieutenant Governor Jordan:

Pursuant to N.C.G.S. 143B-426.37, I hereby appoint Dr. Farris W. Womack of Orange County, North Carolina, to be State Controller for the term beginning July 1, 1987, and expiring June 30, 1994, subject to confirmation by the General Assembly. I hereby submit his name to the General Assembly for confirmation.

I have previously appointed Dr. Womack to serve until July 1, 1987, pursuant to G. S. 143B-426.37(b).

Sincerely,
s/James G. Martin

Referred to State Government Committee.

LETTER OF RESIGNATION

The President directs the Reading Clerk to read the following letter:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611
March 11, 1987

The Honorable Robert B. Jordan, III
President of the Senate
Lieutenant Governor of North Carolina
Legislative Office Building
Raleigh, North Carolina 27611

Dear Lieutenant Governor Jordan:

This letter is to officially notify you of my resignation from the North Carolina State Senate, 26th District. The effective date of my resignation will be March 11, 1987.

I find it difficult in my heart to leave an institution that I have held in such high esteem and great respect. I am convinced that few citizens of our State realize the tremendous responsibility that each member of this body shoulders. During my tenure in this office, one thing has become more clear to me--knowledge is not wisdom, but wisdom is knowing the will of God and applying it in practical everyday decisions. My prayer for this body is that you may have wisdom.

It has been an honor to serve as a Senator in the North Carolina State Senate. I shall cherish the memories and friendships and look forward to continued service to our State as a member of the North Carolina Utilities Commission.

With warm and personal regards, I remain.

Sincerely,
s/Wm. W. Redman, Jr.
Senator

APPOINTMENT FILLING UNEXPIRED TERM

The President directs the Reading clerk to read the following document relative to the appointment of Howard Bryan to fill the vacancy created by the resignation of Senator William W. Redman, Jr., effective March 11, 1987.

STATE OF NORTH CAROLINA

WHEREAS, The Honorable William W. Redman, elected Senator of the 26th Senatorial District has now resigned; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of The Honorable William W. Redman be filled by appointment of the person selected by the District Executive Committee of the Republican Party of the 26th Senatorial District; and

WHEREAS, the Executive Committee of the Republican Party of the 26th Senatorial District has selected Howard Bryan of Statesville, North Carolina, to fill said vacancy; I do by these presents appoint:

HOWARD BRYAN
as a member of the
NORTH CAROLINA SENATE
1987 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the great Seal of the State in the City of Raleigh, this the 11 day of March, 1987.

s/James G. Martin
Governor of North Carolina

s/Thad Eure
Secretary of State

The President of the Senate welcomes Senator Bryan and directs him to take his seat without voting privileges subject to the oath of office scheduled to be administered tomorrow, Thursday, March 12.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 22, a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund.

On motion of Senator Rauch, the bill is placed on the Calendar for tomorrow, March 12.

REMOVAL FROM CALENDAR

S.B. 60 (Committee Substitute)

Senator Thomas offers a motion that **S.B. 60** (Committee Substitute), a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, be removed from the Calendar for Friday, March 13, and placed on the Calendar for tomorrow, March 12, as Special Order of Business No. 1, which motion prevails (electronically recorded).

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 85, a bill to authorize the City of Lexington to purchase natural gas by using informal bid procedures.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 51, a bill to expand the Alexander County Board of Commissioners from three to five members.

The bill passes its second and third readings and is ordered enrolled.

H.B. 64, a bill to validate a conveyance by Tyrrell County to the Tyrrell County Rural Health Association, Inc.

The bill passes its second and third readings and is ordered enrolled.

H.B. 82, a bill to allow the Town of Navassa to engage in community development activities with federal funds within Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 11, a bill to clarify procedures for implementing income withholding pursuant to a supporting party's request.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 29 (Committee Substitute), a bill to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality.

The Committee Substitute bill passes its second (electronically recorded) reading.

Senator Simpson objects to the third reading, which objection he subsequently withdraws.

The Committee Substitute bill passes its third reading (electronically recorded, and is ordered sent to the House of Representatives.

S.B. 120, a bill to revise the eligibility requirements for community service parole.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Kincaid to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 121, a bill to amend the parole eligibility requirements for committed youthful offenders sentenced under Chapter 90 of the General Statutes.

On motion of Senator Cobb, the bill is recommitted to the **Judiciary III Committee** (electronically recorded).

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Without objection the bill, as amended, is read a third time.

Senator Simpson offers Amendment No. 2.

On motion of Senator Soles, further consideration upon third reading of the Committee Substitute bill, as amended, with Amendment No. 2 pending, is postponed until tomorrow, March 12.

WITHDRAWAL FROM CALENDAR

H.B. 67, a bill to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities.

Senator Taft offers a motion to the end that the bill be taken from the Calendar for Friday, March 13, and placed before the Senate for immediate consideration, which motion prevails.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

CALENDAR (Continued)

S.B. 9, a bill to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the Act for some persons or companies providing services to the State or local governments, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Conder, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded) and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-FOURTH DAY

SENATE CHAMBER,
Thursday, March 12, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Charles M. Cook, Minister of Saint Paul's United Methodist Church, Tabor City, as follows:

"You are Lord of the chain-gang as well as the church; You are Lord of the cinema as well as the synagogue; You are Lord of back-alleys as well as high altars; You are Lord of taxicabs as well as temples; You are Lord of the profane as well as the profound. You are Lord of All, Almighty Father, Ever-Living God. As these legislators seek to govern the work-place and the marketplace, show them that their work is holy work, and enable them to deliberate so that their work need not be undone, and so that it need not be redone, that it may shine as a reflection of Your Divine Wisdom. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Johnson of Cabarrus, who is in court, for today and to Senator Staton, who is attending the National Conference of State Legislatures as Chairman of the Senate Committee on Economic Growth in Montgomery, Alabama, for today and tomorrow.

OATH OF OFFICE

The President announces that the Principal Clerk has on file the following document relative to the oath of office of Senator Howard F. Bryan:

"I, Howard F. Bryan, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the

Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will faithfully discharge the duties of my office as a member of the Senate of the 1987 North Carolina General Assembly according to the best of my skill and ability, according to law; so help me God."

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Judiciary III Committee**:

H.B. 49, a bill to authorize the Administrative Office of the Courts to conduct a study of presentence reports, with a favorable report, as amended.

H.B. 50, a bill to develop a program for academic and vocational education training in the Department of Correction, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Simpson:

S.B. 139, a bill to clarify that at least twelve hours must be served to receive a day's credit for imprisonment ordered as a condition of special probation.
Referred to **Judiciary III Committee**.

By Senator Plyler:

S.B. 140, a bill to allocate funds from the Special Reserve for Oil Overcharge Funds to pay the attorneys who represent the State in the oil overcharge litigation.
Referred to **Appropriations Committee**.

By Senators Simpson and Kincaid:

S.B. 141, a bill to prohibit hunting from the rights-of-way of public roads in Burke and Caldwell Counties.
Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Simpson:

S.B. 142, a bill to make North Carolina's Capital Punishment Statute more equitable.
Referred to **Judiciary IV Committee**.

By Senator Guy:

S.B. 143, a bill to provide that the Board of County Commissioners of Onslow County may appoint special peace officers with limited jurisdiction.
Referred to **Local Government and Regional Affairs I Committee**.

By Senators Winner, Rand, Soles, and Barnes:

S.B. 145, a bill to provide for the Court of Appeals to hear certain appeals in which life sentences are imposed.
Referred to **Judiciary IV Committee**.

By Senators Goldston and Royall:

S.J.R. 146, a joint resolution to honor the memory of the distinguished jurist and legislator, the late Honorable Earl W. Vaughn, and to acknowledge his career of public service and his unique contribution to the State of North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Barnes, Thomas, and Winner:

S.B. 147, a bill to provide for the purchase of uniforms for employees working at the State Parks and Recreation Areas.
Referred to **Appropriations Committee.**

By Senator Tally:

S.B. 148, a bill to appropriate funds to the Department of Cultural Resources to reprint historical materials for the schoolchildren of North Carolina.
Referred to **Appropriations Committee.**

By Senators Warren, Allran, Barker, Barnes, Basnight, Conder, Daniel, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Redman, Richardson, Royall, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Tally, Thomas, Ward, and Winner:

S.B. 149, a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the office of the Superintendent of Public Instruction appointive.
Referred to **Constitution Committee.**

By Senator Somers:

S.B. 150, a bill to require the Department of Transportation to set sixty-five miles per hour on the rural interstate highways.
Referred to **Transportation Committee.**

By Senator Somers:

S.B. 151, a bill to abolish the common law rule that a deed must be under seal to convey title to real property.
Referred to **Judiciary III Committee.**

By Senators Johnson of Cabarrus, McDuffie, and Kincaid:

S.B. 152, a bill to amend the Constitution and the General Statutes to change the term of the members of the State Board of Education and to make the office of the Superintendent of Public Instruction appointive.
Referred to **Constitution Committee.**

REMOVAL FROM CALENDAR

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act, as amended, with Amendment No. 2 pending, upon third reading.
On motion of Senator Soles, the bill, as amended, is taken from the Calendar for today and is placed on the Calendar for Tuesday, March 17.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 181, a bill to repeal the Hospice sunsetting provision.
Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S.B. 60 (Committee Substitute)

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.B. 60,** (Committee Substitute) a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, upon second reading.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: Senator Taft--1.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 64, a bill to authorize Nash County to levy a room occupancy and tourism development tax, upon second reading.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 74, a bill to increase the membership of the Town of Maxton ABC Board to four members and to provide for the appointment of the new member.

The bill passes its second and third readings and is ordered enrolled.

S.B. 20, a bill to eliminate the requirement that a nonresident retail or wholesale merchant register with the Department of Revenue for sales tax purposes.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 46, a bill to correct a typographical error in the ABC laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 51, an act to expand the Alexander County Board of Commissioners from three to five members. (Ch. 8)

H.B. 64, an act to validate a conveyance by Tyrrell County to the Tyrrell County Rural Health Association, Inc. (Ch. 9)

H.B. 82, an act to allow the Town of Navassa to engage in community development activities with federal funds within Brunswick County. (Ch. 10)

S.B. 9, an act to amend the Alarm Systems Licensing Act to provide for an additional exemption from the coverage of the Act for some persons or companies providing services to the State or local governments. (Ch. 11)

CALENDAR (Continued)

S.B. 120, a bill to revise the eligibility requirements for community service parole, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H.B. 22, a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, upon second reading.

Senator Rauch offers amendment No. 1

Senator Thomas submits a substitute amendment.

The Chair rules an amendment to pending Amendment No. 1 is in order, but a substitute amendment to the bill is out of order and rules the amendment submitted by Senator Thomas out to order.

Senator Thomas offers a motion that the bill with Amendment No. 1 pending be removed from the Calendar and placed on the Calendar for tomorrow, March 13, which motion fails to prevail (electronically recorded). Amendment No. 1 is adopted (electronically recorded).

Senator Thomas offers Amendment No. 2. Senator Rauch rises to a point of order as to the effect of a defeated amendment to a pending bill not under consideration. The Chair rules the failure to adopt this amendment does not affect another bill not under consideration in any way. Amendment No. 2 is adopted (electronically recorded).

Senator Goldston offers Amendment No. 3 which he subsequently withdraws.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow, March 13, for further consideration upon third reading.

On motion of Senator Harrington, seconded by Senator Taft, the Senate adjourns to meet tomorrow at 10:00 A.M.

TWENTY-FIFTH DAY

SENATE CHAMBER,
Friday, March 13, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Glenda Johnson, Associate Minister of Highland Methodist Church, Raleigh, as follows:

"Eternal God, our Senators who have come here today are prepared to complete a week of important work. They realize fully that decisions they make affect many, many people. The burden of deciding what is right and honorable and the better thing to do in each matter under consideration in these chambers rests heavily upon the hearts and the minds of these servants of the people of North Carolina. And so it is my prayer that You, O God, will bring forth the best in each of these leaders in the public sector, that You will expand their vision, that You will give them courage to address issues with openness, clarity, and decisiveness.

"We pray today for persons here who carry heavy personal burdens; grant them strength, give them comfort. We pray for those who have illness in their families; may Your healing presence embrace them.

"Now may Your amazing and never-ending love be as near to us as the air which surrounds us and as genuine and transforming as the morning sun which changes the darkest night into the light of day. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Kaplan, Rand, and Harris and to Senators Hunt of Moore and Royall, who are attending the National Conference of State Legislatures in Montgomery, Alabama, for today. A leave of absence granted previously to Senator Staton is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee.**

S.J.R. 54, a joint resolution to continue the work of the Legislative Research Commission's Study of the Problems of Aging, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee.**

H.J.R. 105, a joint resolution urging Congress to take final action on the 1987 Federal Highway Act, with a favorable report.

On motion of Senator Warren, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 56, a bill to establish the North Carolina Alzheimer's Disease and Related Disorders Study Commission, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the Appropriations Committee.

REPORT OF SELECT COMMITTEE

In the absence of the Chairman, Senator Kenneth C. Royall, Jr., Senator Harold W. Hardison, Vice-Chairman of the Mental Health Study Commission presents the Final Report and Recommendations of the Commission to the General Assembly. The Senate accepts the Report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler and Conder:

S.B. 153, a bill to allow Scotland County to convey a tract of land at private sale to the Scotland County Stadium-Civic Center, Inc.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators McDuffie and Smith:

S.B. 154, a bill requiring the reporting by law enforcement, school and social service personnel instances of abuse or neglect.
Referred to **Children and Youth Committee.**

By Senators Ward, Basnight, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Smith, Soles, Staton, Taft, Tally, and Walker:

S.J.R. 155, a joint resolution adopting the Child Mental Health Plan and the Youth Substance Abuse Plan as policy guidance for the development of services over the next ten years.
Referred to **Children and Youth Committee.**

By Senators Kaplan, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 156, a bill to create the Office of Emergency Employment.
Referred to **Economic Growth Committee.**

By Senators Block, Barker, Barnes, Daniel, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Richardson, Sands, Seymour, Soles, and Ward:

S.B. 157, a bill to establish a commission to study the relationship of the State of North Carolina to the motion picture industry, and to make recommendations to foster an ongoing positive relationship.
Referred to **Rules and Operation of the Senate Committee.**

By Senator McDuffie:

S.B. 158, a bill to adopt a comparative fault system inapplicable to State torts and to eliminate joint and several liability.
Referred to **Insurance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 33, a bill establishing the amount of occupancy tax revenue in Haywood County that may be used for administrative expenses.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 39 (Committee Substitute), a bill to change the date for the Martin Luther King, Jr., legal public holiday to the same date provided by federal law and to provide for a paid holiday for State employees on that date.
Referred to **Judiciary I Committee.**

H.B. 88, a bill to amend the Charter of the City of Greensboro to provide enforcement powers for the fair housing ordinance.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 106, a bill to exempt the Town of Farmville from having to comply with the public bidding law with respect to the May House building and grounds development as a public park to be made with private funds.
Referred to **Local Government and Regional Affairs II Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 24, an act authorizing the Salisbury City Council to convey certain real property. (Ch. 12)

S.B. 83, an act to amend the Charter of the Town of Landis to implement the council-manager form of government. (Ch. 13)

H.B. 46, an act to correct a typographical error in the ABC laws. (Ch. 14)

H.B. 74, an act to increase the membership of the Town of Maxton ABC Board to four members and to provide for the appointment of the new member. (Ch. 15)

S.J.R. 144, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments. (Res. 6)

EXECUTIVE ORDERS

The Chair refers Executive Orders No. 26 through No. 36, received following adjournment *sine die* of the 1985 Session of the General Assembly, to the **State Government Committee** as follows:

Executive Order Number 26, Emergency Drought Relief
Executive Order Number 27, North Carolina Fund for Children and Families Commission
Executive Order Number 28, Private Development Bonds
Executive Order Number 29, Governor's Task Force on Racial, Religious, and Ethnic Violence and Intimidation
Executive Order Number 30, Amendment to Executive Order Number 1, North Carolina Board of Ethics
Executive Order Number 31, Amendment to Executive Order Number 28, Private Development Bonds

Executive Order Number 32, Governor's Literacy Council

Executive Order Number 33, Amending Executive Order Number 1, North Carolina Board of Ethics, Extending Expiration Date of Executive Order Number 1 to January 29, 1989

Executive Order Number 34, Governor's Program to Encourage Business Enterprises Owned by Minority, Women and Disabled Persons

Executive Order Number 35, Transferring the State Information Processing Services (SIPS) to the Office of the State Controller

Executive Order Number 36, Governor's Task force on the Farm Economy in North Carolina and Governor's Advisory Committee on Agricultural Parks

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 64, a bill to authorize Nash County to levy a room occupancy and tourism development tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 60, (Committee Substitute) a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, as amended, upon third reading.

On motion of Senator Thomas, consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, March 17.

H.B. 22, a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered, without objection, sent to the House of Representatives by special messenger for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 49, a bill to authorize the Administrative Office of the Courts to conduct a study of presentence reports.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 50, a bill to develop a program for academic and vocational education training in the Department of Correction.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

On motion of Senator Harrington, seconded by Senator Sherron, the Senate adjourns to meet Monday at 7:00 P.M.

TWENTY-SIXTH DAY

SENATE CHAMBER,
Monday, March 16, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend G. Paul Phillips III, Associate Director of the North Carolina Conference Council on Ministries of the United Methodist Church, Raleigh.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Martin of Pitt, Smith, and Winner for tonight.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harrington:

S.B. 159, a bill to appropriate funds for capital improvements at Roanoke-Chowan Technical College.

Referred to **Appropriations Committee.**

By Senator Harris:

S.B. 160, a bill to allow 16 and 17 year olds to drive an automobile or truck less than 6,000 pounds gross weight for the purpose of making deliveries for those pharmacies that are not otherwise governed by the Federal Fair Labor Standards Act.

Referred to **Judiciary III Committee.**

By Senator Harris:

S.B. 161, a bill to authorize the expenditure of public water supply administrative penalty funds to improve water supply systems serving foster homes.

Referred to **Human Resources Committee.**

By Senator Hardison:

S.B. 162, a bill to provide that receipts from the tax on native wine shall be used to promote the grape industry.

Referred to **Appropriations Committee.**

By Senators Seymour, Allran, Bryan, Daniel, Goldston, Hunt of Moore, Kincaid, Martin of Guilford, Sands, Shaw, Smith, Walker, and Ward.

S.B. 163, a bill to appropriate funds to the Tarheel Triad Girl Scout Council, Inc., for capital improvements at its Keyauwee Center.
Referred to **Appropriations Committee.**

By Senators Walker, Barker, Block, Conder, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rauch, Richardson, Staton, Tally, Thomas, and Winner.

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina.
Referred to **Environment Committee.**

By Senator Warren:

S.J.R. 165, a joint resolution honoring the centennial of the Town of Kenly and the memory of its founders.
On motion of Senator Warren the joint resolution is placed before the Senate for immediate consideration.
The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Warren:

S.J.R. 166, a joint resolution honoring the centennial of the Town of Benson and the memory of its founders.
On motion of Senator Warren the joint resolution is placed before the Senate for immediate consideration.
Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).
The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 34, a bill to change the title "tax supervisor" to "assessor".
Referred to Finance Committee.

H.B. 80, a bill to provide for a special reserve for the funds received by Iredell County from the sale of Lowrance Hospital.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 154 (Committee Substitute), a bill to authorize more counties to regulate abandoned junked vehicles for aesthetic purposes.
Referred to **Local Government and Regional Affairs I Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 5, an act to extend the time by which a tax collector must make his annual report and settlement of property taxes collected. (Ch. 16)

H.B. 22, an act to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund. (Ch. 17)

H.J.R. 105, a joint resolution urging Congress to take final action on the 1987 Federal Highway Act. (Res. 7)

RECONSIDERATION

H.B. 49, a bill to authorize the Administrative Office of the Courts to conduct a study of presentence reports.

Senator Swain moves that the vote by which the bill, as amended, passed its third reading on Friday, March 13, be reconsidered, which motion prevails.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

JOINT SESSION TO CONFIRM UTILITIES COMMISSIONER

Pursuant to **S.J.R. 144**, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments, the President of the Senate announces a Joint Session of the General Assembly for Tuesday, March 17, at 1:50 P.M., to act on the confirmation of William W. Redman, Jr., appointed by Governor Martin to the North Carolina Utilities Commission.

COMMITTEE APPOINTMENTS

The President appoints Senator Bryan to serve on the following Standing Committees: **Finance, Local Government and Regional Affairs II, Agriculture, Transportation, Election Laws, Pensions and Retirement, and Human Resources.**

The President recognizes the following pages serving in the Senate this week: Michael Bradshaw, Raleigh; Daniel Howard Bridges, Asheville; Rachel L. Cox, Atlantic Beach; Joseph Michael Daniels, Wanchese; Tanya Denton, Zebulon; Jeanine Campbell Evans, Kitty Hawk; Steven Willard Fowler, Nakina; William Bryan Fuller, Wilmington; Radcliff Hester, Manteo; Jonathan C. Hickman, Charlotte; Elizabeth McIntyre, Kings Mountain; Elizabeth Grimes Purrington, Raleigh; Charles Madison Shelton, Jr., King; Jamie Stewart, Charlotte; Amy Elizabeth Turner, Kings Mountain; and Steven Wooten, Raleigh.

On motion of Senator Harrington, seconded by Senator Tally, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, March 17, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Life, we thank Thee for all the blessings of life. For the love and support of our families, for the inspiration and guidance of Thy Word, for the memory and example of men and women of faith, like St. Patrick of old, who served Thee well, and for the high and holy privilege of being Your servants in this arena, we give Thee thanks, O Lord.

"O God of the Nations, we pray that we, like Moses, the Great Law Giver, may speak to Thee face to face, that we may be meek before Thee, that we may be patient with the grumblings of Thy people, and that we may be bold in interceding before Thee for the needs of Thy people.

"O God of Wisdom, as we wrestle with complicated and controversial issues in this Session of the General Assembly, we, like Solomon of old, pray Thee to give us understanding minds, so that we may discern the pathway which will best serve the needs of our people.

"O God of Justice, once we have weighed all sides of each issue carefully, give us the courage to vote our convictions on each bill, so that this Body may enact laws which will compassionately meet the needs of all the people of this great State. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.J.R. 165, a joint resolution honoring the centennial of the Town of Kenly and the memory of its founders. (Res. 8)

S.J.R. 166, a joint resolution honoring the centennial of the Town of Benson and the memory of its founders. (Res. 9)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee.**

H.B. 39 (Committee Substitute), a bill to change the date for the Martin Luther King, Jr., legal public holiday to the same date provided by federal law and to provide for a paid holiday for State employees on that date, with a favorable report.

By Senator Richardson for the **Veterans Affairs and Senior Citizens Committee.**

S.B. 57, a bill to appropriate funds for the North Carolina Senior Games Program, with a favorable report.

On motion of Senator Richardson, the bill is re-referred to the **Appropriations Committee.**

S.B. 58, a bill to provide for an Elderly and Handicapped Transportation Assistance Program to be administered by the Department of Transportation, with a favorable report, as amended.

On motion of Senator Richardson, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Staton for the **Economic Growth Committee.**

S.B. 63, a bill to establish the Legislative Commission on Regional Growth Trends and Development Issues, with a favorable report, as amended.

On motion of Senator Staton, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Speed:

S.B. 167, a bill to amend the provisions which forbid local board of health members to serve more than three consecutive three-year terms.

Referred to **Human Resources Committee.**

By Senator Harrington:

S.B. 168, a bill to appropriate funds for operating and production costs at Roanoke-Chowan Sheltered Workshop.

Referred to **Appropriations Committee.**

By Senators Walker and Tally:

S.B. 169, a bill to appropriate funds to the Historic Preservation Foundation of North Carolina, Inc., for the statewide revolving fund for historic preservation.

Referred to **Appropriations Committee.**

By Senators Johnson of Wake, Sherron, and Staton:

S.B. 170, a bill to grant additional eminent domain powers to the Town of Apex for water and sewer lines and water and sewer treatment facilities.

Referred to **Local Government and Regional Affairs I Committee.**

By Senators Johnson of Wake, Sherron, and Staton:

S.B. 171, a bill to allow the Town Manager of Apex to appoint the Town Clerk.

Referred to **Local Government and Regional Affairs I Committee.**

By Senators Taft, Barker, Ezzell, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Guilford, Rand, Richardson, Sands, Sherron, Soles, Staton, and Swain:

S.B. 172, a bill to amend the Workers' Compensation Act.

Referred to **Manufacturing and Labor Committee.**

By Senators Taft, Ezzell, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Guilford, Richardson, Sands, Sherron, Soles, Staton, Swain, and Winner:

S.B. 173, a bill to establish the salaries of the Industrial Commission members to be the same as the salaries of the members of the Utilities Commission.

Referred to **Manufacturing and Labor Committee.**

By Senators Taft, Barker, Ezzell, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Guilford, Rand, Richardson, Sands, Sherron, Soles, Staton, Swain, and Winner:

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers.

Referred to **Manufacturing and Labor Committee.**

By Senators Rand and Tally:

S.B. 175, a bill to amend the Fayetteville City Charter regarding the benefits a retired city fireman is entitled to.

Referred to **Pensions and Retirement Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 54 (Committee Substitute), a bill to change the limit on the amount of funds clerks may receive on behalf of minors and incompetents.

Referred to **Judiciary II Committee.**

APPOINTMENTS OF THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 17, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina 27611

Dear Lieutenant Governor Jordan:

I hereby transmit to you the names of the following persons appointed by me to the State Board of Education and submit them to the General Assembly for confirmation, pursuant to North Carolina General Statute Section 115C-10.

1. Patricia H. Neal
   Durham County
   At-large member

2. William C. Meekins, Jr.
   Pasquotank County
   Education District No. 1

3. Howard H. Haworth
   Burke County
   Education District No. 7

Thank you in advance for your assistance on this matter.

March 17, 1987

Sincerely,
s/James G. Martin
Governor

Referred to **Education Committee.**

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **S.J.R. 144**, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments, for the purpose of acting upon the confirmation of William W. Redman as a member of the North Carolina Utilities Commission.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 17, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives stands ready to receive the Senate in Joint Session, at 1:50 p.m., for the purpose of confirming the Governor's nominee to the North Carolina Utilities Commission.

Respectfully,
s/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, in accordance with **S.J.R. 144**, the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III, President of the Senate.

The Clerk of the Senate calls the roll of the Senate, and the following members answer the call: Senators Allran, Barker, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--48.

The roll-call of the House of Representatives is recorded electronically, and the following members answer the call: Speaker Ramsey, Representatives Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Boyd, Brannan, B. Brown, J. Brown, Buchanan, Bumgardner, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, Craven, J. W. Crawford, N. J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling,

Edwards, Enloe, Bob Etheridge, L. Etheridge, Fitch, Fletcher, Foster, Freeman, Fussell, Gardner, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holroyd, Holt, Huffman, Jack Hunt, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tart, R. Thompson, Tyndall, Walker, Warner, E. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, and Wright - 105.

Lieutenant Governor Jordan declares a quorum of each Body present. The Joint Session proceeds with the business for which it is convened.

Lieutenant Governor Jordan directs the Reading Clerk of the House to read the following messages from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

January 5, 1987

The Honorable Robert B. Jordan III
President of the Senate
Lieutenant Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

Dear Lieutenant Governor Jordan:

Pursuant to N.C. G.S. 62-10, I appoint Senator William W. Redman, Jr., Iredell County, as a member of the North Carolina Utilities Commission for the term beginning July 1, 1987 and ending June 30, 1995 and, effective January 5, 1987, to fill the vacancy caused by the resignation of Mr. Hartwell Campbell, whose term expires June 30, 1987. I hereby submit his name to the General Assembly for confirmation.

Sincerely,
s/James G. Martin
Governor

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

January 5, 1987

The Honorable Liston B. Ramsey
Speaker of the House
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

Dear Mr. Speaker:

Pursuant to N.C. G.S. 62-10, I appoint Senator William W. Redman, Jr., Iredell County, as a member of the North Carolina Utilities Commission for the term

beginning July 1, 1987 and ending June 30, 1995 and, effective January 5, 1987, to fill the vacancy caused by the resignation of Mr. Hartwell Campbell, whose term expires June 30, 1987. I hereby submit his name to the General Assembly for confirmation.

Sincerely,
s/James G. Martin
Governor

Lieutenant Governor Jordan recognizes Senator Hardison, Chairman of the Senate Commerce Committee, who submits the following report:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

March 5, 1987

The Honorable Robert B. Jordan III
President, North Carolina Senate
Legislative Office Building
Raleigh, North Carolina 27611

Dear Mr. President:

In compliance with the provisions of G.S. 62-10(a) requiring appointees to the Utilities Commission to be confirmed by the General Assembly in Joint Session, Governor Martin has submitted his appointee, William W. Redman, Jr., for confirmation. The Governor has appointed Senator Redman to complete the term of Commissioner Hartwell Campbell, which ends June 30, 1987, and to the succeeding term which begins July 1, 1987 and ends June 30, 1995.

The Senate Committee on Commerce has considered the appointment and makes the following recommendation to this Joint Session:

> That the appointment of William W. Redman, Jr. as Commissioner of the North Carolina Utilities Commission for the remainder of Commissioner Campbell's term, and for the succeeding term, be confirmed.

Respectfully Submitted,
s/Harold W. Hardison
Chairman
Senate Committee on Commerce

Lieutenant Governor Jordan recognizes Representative Bumgardner, Chairman of the Committee on Public Utilities of the House of Representatives, who submits the following report:

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27611

The Honorable Liston B. Ramsey
North Carolina House of Representatives
State Legislative Building
Raleigh, North Carolina 27611

Dear Mr. Speaker:

In compliance with the provisions of G.S. 62-10(a) requiring appointees to the Utilities Commission to be confirmed by the General Assembly in Joint Session, Governor Martin has submitted his appointee, William W. Redman, Jr., for confirmation. The Governor has appointed Senator Redman to complete the term of Commissioner Hartwell Campbell, which ends June 30, 1987, and to the succeeding term which begins July 1, 1987 and ends June 30, 1995.

The House Committee on Public Utilities has considered the appointment and makes the following recommendation to this Joint Session:

> That the appointment of William W. Redman, Jr. as Commissioner of the North Carolina Utilities Commission for the remainder of Commissioner Campbell's term, and for the succeeding term, be confirmed.

Respectfully Submitted,
Representative David W. Bumgardner, Jr.
Chairman, Public Utilities Committee

Senator Hardison moves that the Senate do confirm the appointment of William W. Redman, Jr., as a member of the North Carolina Utilities Commission.

The motion to confirm the appointment of William W. Redman, Jr., as a member of the North Carolina Utilities Commission prevails by roll-call vote: ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--49.

Voting in the negative: None.

Lieutenant Governor Jordan relinquishes the gavel to the Speaker of the House of Representatives.

Representative Bumgardner moves that the House of Representatives do confirm the appointment of William W. Redman, Jr., as a member of the North Carolina Utilities Commission.

The motion to confirm the appointment of William W. Redman, Jr., as a member of the North Carolina Utilities Commission prevails by roll-call vote: ayes 107, noes 0, as follows:

Those voting in the affirmative: Speaker Ramsey, Representatives Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Boyd, Brannan, B. Brown, J. Brown, Buchanan, Bumgardner, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, Craven, J. W. Crawford, N. J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Bob Etheridge, L. Etheridge, Fitch, Fletcher, Foster, Freeman, Fussell, Gardner, Gist, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holroyd, Holt, Huffman, Jack Hunt, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tart, R. Thompson, S. Thompson, Tyndall, Walker, Warner, E. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, and Wright - 107.

Voting in the negative: None.

Speaker Ramsey relinquishes the gavel to Lieutenant Governor Jordan.

Receiving an affirmative majority vote of both Bodies, the Chair announces the appointment of William W. Redman, Jr., as a member of the North Carolina Utilities Commission is confirmed.

Lieutenant Governor Jordan orders the Governor notified of the action of the General Assembly, sitting in Joint Session, upon the confirmation of the appointment of William W. Redman, Jr., as a member of the North Carolina Utilities Commission.

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 60, (Committee Substitute) a bill to reduce the rates of unemployment insurance contributions and to establish the Employment Security Commission Reserve Fund, as amended, upon third reading.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act, as amended, with Amendment No. 2 pending, upon third reading.

On motion of Senator Soles, the Committee Substitute bill, as amended, with Amendment No. 2 pending, is re-referred to the **Finance Committee.**

ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills and resolutions previously introduced:

Senator Hunt of Moore:

S.B. 53, a bill to authorize the Greene County Committee of 100 to use previously appropriated funds to construct a building for industrial development rather than for mass gatherings.

Senator Hunt of Moore:

S.B. 163, a bill to appropriate funds to the Tarheel Triad Girl Scout Council, Inc., for capital improvements at its Keyauwee Center.

Senator Seymour:

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina.

RE-REFERRAL

S.B. 162, a bill to provide that receipts from the tax on native wine shall be used to promote the grape industry.

On motion of Senator Hardison, the bill is taken from the **Appropriations Committee** and re-referred to the **Finance Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee.**

S.B. 8, a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt of Moore, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on her further motion the Committee Substitute bill is adopted.

On motion of Senator Hunt of Moore, the Committee Substitute bill is placed on the Calendar for Thursday, March 19.

S.B. 138, a bill to authorize Moore County to levy a room occupancy tax, with a favorable report.

On motion of Senator Harrington, seconded by Senator Ward, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, March 18, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Neil E. Smith, Minister of Woodmont United Methodist Church, Reidsville.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee.**

S.B. 141, a bill to prohibit hunting from the rights-of-way of public roads in Burke and Caldwell Counties, with a favorable report.

By Senator Rauch for the **Finance Committee.**

S.B. 130, a bill to amend the City of Raleigh facility fee enabling legislation, with a favorable report.

S.B. 23, a bill to delete references in the property tax statutes to the obsolete position of list taker, with a favorable report, as amended.

S.B. 26, a bill to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators, with a favorable report, as amended.

By Senator Guy for the **State Government Committee.**

S.B. 62, a bill to establish and maintain a Depository Library System for publications of North Carolina State Government, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Appropriations Committee.**

H.B. 70, a bill to correct the effective date of the North Carolina Therapeutic Recreation Personnel Certification Act, with a favorable report.

By Senator Kaplan for the **Election Laws Committee.**

H.B. 45, a bill to allow even-year elections for some multi-county sanitary districts, with a favorable report.

By Senator Barnes for the **Judiciary I Committee.**

S.B. 100, a bill to clarify the provision of G.S. 48-36(d) specifying what shall be contained in an order changing the name of an adopted person who is 18 or more years of age as recommended by the General Statutes Commission, with a favorable report.

By Senator Harris for the **Human Resources Committee.**

S.B. 78, a bill to require adequate disclosure by continuing care facilities, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Hunt of Moore, and Johnson of Wake:

S.B. 176, a bill to provide for a comprehensive study of the State Personnel Classification System.
Referred to **State Personnel Committee.**

By Senators Staton, Hunt of Moore, and Johnson of Wake:

S.B. 177, a bill to establish a State employee occupational health clinic pilot program.
Referred to **State Personnel Committee.**

By Senators Staton, Hunt of Moore, and Johnson of Wake:

S.J.R. 178, a joint resolution to continue the work of the Legislative Research Commission's Committee on State Personnel.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Staton, Sherron, and Johnson of Wake:

S.B. 179, a bill to authorize a single purchase-transportation permit for certain large purchases of spirituous liquor.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Johnson of Cabarrus:

S.B. 180, a bill to require the suspension of drivers licenses of persons convicted of drug offenses.
Referred to **Judiciary I Committee.**

By Senators Smith and Johnson of Wake:

S.J.R. 181, a joint resolution to honor the life and memory of Russell F. Van Landingham, a former member of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Martin of Guilford, Seymour, and Shaw:

S.B. 182, a bill to increase the maximum fine for violation of ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Sands, Barker, Block, Daniel, Hipps, Hunt of Durham, Kaplan, Rauch, Richardson, and Seymour:

S.B. 183, a bill to provide that the Division of Motor Vehicles may not give oral drivers license tests to provisional licensees.
Referred to **Transportation Committee.**

By Senators Ward, Barker, Barnes, Basnight, Daniel, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sherron, Speed, Staton, Tally, and Warren:

S.B. 184, a bill to direct the public schools to refer students who drop out of the public schools to appropriate services.
Referred to **Education Committee.**

By Senators Ward, Barker, Barnes, Basnight, Daniel, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sherron, Speed, Staton, Tally, and Warren:

S.B. 185, a bill to address the literacy problem in North Carolina with the goal of a substantial reduction in illiteracy rate by the year 2000.
Referred to Education Committee.

By Senators Ezzell and Martin of Guilford:

S.J.R. 186, a joint resolution honoring the life and memory of Dr. K. Z. Chavis.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Smith:

S.B. 187, a bill to amend the Charter of the City of Lexington to change the election system.
Referred to **Election Laws Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 182, a bill to provide additional procedures for Caldwell County to increase the size of fire tax districts.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 214, a bill to conform the hours of alcohol sales to federal Daylight Savings Time.
Referred to **Alcoholic Beverage Control Committee.**

JOINT SESSION TO CONFIRM BANKING COMMISSIONER

Pursuant to **S.J.R. 144**, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or

appointments, the President of the Senate announces a Joint Session of the General Assembly for Thursday, March 19, at 1:50 P.M., to act on the confirmation of Benjamin Thompson Tison III, appointed Banking Commissioner of North Carolina by Governor Martin.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 138, a bill to authorize Moore County to levy a room occupancy tax, upon second reading.

On motion of Senator Rauch the bill is re-referred to the **Finance Committee**.

H.B. 39 (Committee Substitute), a bill to change the date for the Martin Luther King, Jr., legal public holiday to the same date provided by federal law and to provide for a paid holiday for State employees on that date.

Without objection, on motion of Senator Rauch, seconded by Senator Harris, the remarks of Senator Martin of Guilford are spread upon the Journal as follows:

"Section 1 of the Martin Luther King, Jr. Holiday bill changes the date on which Martin Luther King, Jr.'s birth is recognized as a legal public holiday from January 15 to the third Monday in January. This is consistent with the federal holiday and with most states. The North Carolina General Assembly in 1983 enacted legislation making the January 15 date a legal public holiday, but we did not make it a paid holiday.

"Section 2 of the bill dictates that the State Personnel Commission shall designate Dr. King's birthday, the third Monday, as a paid legal holiday if any holidays are to be paid legal holidays. Section 2 also limits the number of paid holidays the Commission is authorized to establish without, legislative action, to eleven. Currently there is no numerical limit. In essence, the King Holiday would be substituted for some other paid holiday, with the decision as to which day is to be substituted being in the discretion of the State Personnel Commission, which already has such discretion to designate paid holidays. Days currently recognized as paid legal State holidays are New Year's Day, Easter Monday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day--2 days, and Christmas--either 2 or 3 days, depending on which day Christmas falls.

"Section 3 simply provides that the bill is effective upon ratification.

"I will now move from the mechanics and processes of the bill, and discuss the rationale and expectations.

"By passing this legislation, we will be celebrating the birth and the works of Martin Luther King, Jr.; but, much more importantly, we will be celebrating the maturation, the coming of age of our Declaration of Independence and our Bill of Rights, the application of the theory and principles upon which our Declaration of Independence and Bill of Rights are grounded. We are celebrating the message more so than the messenger. While the messenger is important in his own right, the message is, by far more important. It is fitting and historically consistent that it should be this way.

"If we honor a person over and above the message, we are imprisoned within the limiting confines of that person's existence. On the other hand, if we are honoring the person as a symbol of some high ideals, a symbol of the message we want to perpetuate for posterity, then we are well-served. As the years, the decades, and even the centuries go by, the importance of the person being honored and celebrated in any instance declines once his contemporaries have departed. But the symbol he represents can endure forever in the hearts and minds of the people.

"The Martin Luther King, symbol to so many millions of persons of African-American descent, and other ethnic and racial groupings looms as greatly as anything else that constitutes a part of our American heritage. This year we will be focusing a great deal of attention on the Bicentennial of the United States Constitution. Through the symbol represented by Martin Luther King, a new breath of life, a new and broadened consciousness has evolved relative to those documents. King's dream of man's humanity to other human beings; the dream of justice applied not just in accordance with the letter of the law but in accordance with the spirit of the law; and his dream relative to justice being applied not just with equality but with equity, which is a greater mandate; of an unprecedented elevation of and respect for human dignity; his dream that the significance of the words 'with liberty and justice for all' would never be questioned, much less abrogated. This composite dream is the message transmitted by Dr. King and by so many other of us who are his contemporaries and who come after him, and by so many others who preceded him.

"The dream, the message, that Martin Luther King lived is that we must seek out and stress the commonalities of humankind rather than the differences that tend to separate us. Dr. King's philosophy is based, in part, on the assumption that out of the differences that exist between individuals, between groups, even between nations, we can find the foundations for agreement and cooperation if we are forced to seek them, if we are forced to look within ourselves for those remnants of sameness and togetherness. This we are more prone to recognize as we pause to look at the lessons that we are taught by this great individual. We are prone to recognize those factors that link us together in a bond of mutual security so that we can exercise our rights to be different, our rights to be a diverse people without fear of oppression, of repression, of suppression. In this manner, diversity enhances the value, the potential and the beauty of our common bond.

"As a result of my involvement in the civil and human rights movement, I know about the various factions within the movement and how diverse they were. I know that many persons and organizations involved in the movement disagreed with Dr. King with respect to tactics and strategy, and sometimes goals. Yet, I also know that his moderating influence, one that I would characterize as centralist but not *status quo*, probably had more to do with preventing a serious disintegration of America's social, economic and political structure than anything else.

"During the last term of the General Assembly, we in the Senate referred to Senator Mel Watt as the conscience of the Senate; well Dr. King was the conscience of America during one of its most crisis-laden periods. There were many more individuals who were classified as much more radical and militant than he, but due to an appreciation of his influence and methodology, have become positive contributors to the well-being of America. His influence resulted in an atmosphere conducive to conciliation and keeping the peace, an atmosphere that enables persons to identify, and work together for mutual interests. All this is what we are celebrating through the symbol represented by Martin Luther King.

"The primary points raised as justification for opposing this bill have focused on the following concerns:

1. Cost;
2. Adding another winter holiday;
3. Not designating the holiday as an 'all heroes day';
4. Not designating the holiday as a 'human rights day';
5. We have no other holidays honoring an individual.

"On the issue of cost, a fiscal note has been obtained that indicates there would be no additional costs.

"Relative to exchanging a spring holiday for a winter holiday, the General Assembly is not designating the holiday that will be substituted; the State Personnel Commission has full discretion to select any holiday it deems most appropriate.

"Those who suggest designating the holiday as an 'all heroes day' or a 'human rights day' are, in my opinion, looking at it strictly as a bill that recognizes an individual rather than a holiday that represents the symbol that I discussed earlier.

"It is true that we do not have a holiday honoring an individual. So why is it appropriate to do so at this time? Most of our current holidays cannot be embodied in nor well represented through the life of one individual; there is no one person that has had such a dramatic impact in shaping the ideas we seek to perpetuate through the observance of Memorial Day, Labor Day or Veteran's Day. How could one comprehensively and understandably express the ideas and ideals symbolized by Martin Luther King, Jr. through any other method that would be as effective as designating this holiday for which his works would be a symbol of many accomplishments of humanity in the United States? I can think of no better way.

"In summary, allow me to make the following points:

1. This bill does not give the State Personnel Commission any new power to increase the number of holidays; the Commission already has the authority to increase the number without legislative action.
2. In addition to the current paid holidays, the State Personnel Commission, under present law, has the authority to declare ten more paid holidays without the necessity of any legislative action under current law. The Commission can declare any public holiday as a paid State holiday, and we now have ten legal public holidays that are not paid holidays but that can be made so without legislative action. This bill will prohibit the Commission from adding more than eleven paid holidays, the number recognized in 1986.
3. Currently, forty American states, along with the District of Columbia, Guam, Puerto Rico and the Virgin Islands, and our federal government, have designated Dr. King's birthday as an official paid holiday. We are the only southern state that has not yet done so.

"I will close with a direct quotation from Martin Luther King, Jr., that exemplifies one of the ways in which this holiday is significant to all of us:

> 'The Negro freedom movement would have been historic and worthy even if it had only served the cause of civil rights. But its laurels are greater because it stimulated a broader social movement that elevated the moral level of the nation. In the struggle against the preponderant evils of society, decent values were preserved. Moreover, a significant body of young people learned that in opposing the tyrannical forces that were crushing them they added stature and meaning to their lives. The Negro and white youth who in alliance fought bruising engagements with the *status quo* inspired each other with a sense of moral mission, and both gave the nation an example of self-sacrifice and dedication.'

"Mr. President, Ladies and Gentlemen of the Senate, I anticipate that some persons who oppose the bill might desire to use this forum to make personal attacks against Dr. King. I hope that in discussing the bill, I have in some way aided those who have doubts to see that what we are doing here today, if we pass this bill, exceeds the bounds of any individual human personality and cry out for universal compassion, understanding and cooperation. Regardless of what some may think of Dr. King, I do not believe that any of us can genuinely question the significance of his contributions to our nation, nor the fact that his contributions embody the essence of centuries of struggle for human dignity. Further, I believe each of us now knows how he or she will

vote on second reading. Therefore, Mr. President, with the desire to allow some latitude for debate on third reading, I call the question on second reading."

Senator Martin of Guilford calls the previous question, which motion fails to prevail for lack of a second. Senator Kincaid offers Amendment No. 1. Senator Martin of Guilford offers a motion that Amendment No. 1 do lie upon the table, seconded by Senator Rauch. Senator Kincaid calls for the ayes and noes. The call is not sustained. The motion offered by Senator Martin of Guilford that Amendment No. 1 do lie upon the table prevails (electronically recorded). Amendment No. 1 lies upon the table.

Senator Winner offers Amendment No. 2, which changes the title to read, **H.B. 39** (Committee Substitute), a bill to change the date for the Martin Luther King, Jr., legal public holiday to the same date provided by federal law and to provide for a paid holiday for State employees on that date and on Washington's Birthday, which fails of adoption (electronically recorded).

Senator Martin of Guilford calls the previous question, seconded by Senator Rauch. Senator Simpson calls for the ayes and noes. The call is not sustained. The call for the previous question by Senator Martin of Guilford is sustained (electronically recorded).

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the **Children and Youth Committee.**

S.B. 38, a bill to expedite proceedings involving child victims and witnesses -2, with a favorable report.

S.B. 37, a bill to expedite proceedings involving child victims and witnesses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Committee Substitute bill is adopted On motion of Senator Conder the bill is placed on the Calendar for Friday, March 20.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 19, an act to permit alcoholic beverage licensees who are required to furnish a bond to pledge government bonds as collateral rather than obtain a bond from a corporate surety. (Ch. 18)

On motion of Senator Harrington, seconded by Senator Speed, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-NINTH DAY

SENATE CHAMBER,
Thursday, March 19, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Bill Puckett, Minister of Millbrook Baptist Church, Raleigh, as follows:

"God, We pause in the midst of lives filled with responsibilities, weighty decisions and complex relationships to acknowledge that You are the source of true wisdom and life. It is You, God, that brings peace and ordering to our lives. Give each of us an openness to Your presence.

"Bless, we pray, these men and women who have dedicated themselves and their energies to the public good. Create around them a responsible and responsive citizenry.

"In Your Holy Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Cobb and Smith, who are attending a leadership conference in Boston, for today.

The President grants courtesies of the floor to Clarence Lightner, former Senator from Wake County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 49, an act to authorize the Administrative Office of the Courts to conduct a study of presentence reports. (Ch. 19)

H.B. 50, an act to develop a program for academic and vocational education training in the Department of Correction. (Ch. 20)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the Natural and Economic Resources and Wildlife Committee:

S.B. 116, a bill to permit the taking of one antlerless deer during a muzzle-loading firearms season with a bag limit of five or more, with a favorable report, as amended.

On motion of Senator Tally, the bill, as amended, is placed on the Calendar for Monday, March 23.

By Senator Martin of Pitt for the **Manufacturing and Labor Committee:**

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee:**

S.B. 97, a bill to ensure that the public has notice of all restaurants' health ratings, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted and placed on the Calendar for Tuesday March 24.

By Senator Soles for the **Judiciary IV Committee:**

S.B. 145, a bill to provide for the Court of Appeals to hear certain appeals in which life sentences are imposed, with a favorable report as amended.

On motion of Senator Soles, the bill is placed on the Calendar for Monday, March 23.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the hall of the House of Representatives pursuant to **S.J.R. 144**, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments, for the purpose of acting upon the confirmation of the appointment of Benjamin Tison III as Banking Commissioner of North Carolina.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 19, 1987

Mr. President:

Pursuant to G.S. 53-92, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives stands ready to receive the Senate in Joint Session, at 1:50 p.m., for the purpose of confirming, or not confirming, the Governor's nominee, Benjamin T. Tison III, as Commissioner of the North Carolina State Banking Commission.

Respectfully,
s/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, in accordance with **S.J.R. 144**, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments, the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

The Senate preceded by its officers repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III.

The Clerk of the Senate calls the roll of the Senate, and the following members answer the call: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--47.

The roll-call of the House Representatives is recorded electronically and the following members answer the call: Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Bumgardner, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, Craven, J. W. Crawford, N. J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fitch, Fletcher, Foster, Freeman, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Jack Hunt, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhyne, Rogers, Stamey, Starnes, Tart, R. Thompson, S. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright --112.

Lieutenant Governor Jordan directs the Reading Clerk of the House to read the following messages from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

January 19, 1987

The Honorable Robert B. Jordan, III
Lieutenant Governor
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Commissioner of Banks

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 53-92, I hereby appoint Benjamin T. Tison III, Mecklenburg County, North Carolina as Commissioner of Banks to serve a term beginning April 1, 1987, and expiring March 31, 1991, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

January 19, 1987

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Commissioner of Banks

Dear Mr. Ramsey:

Dear Pursuant to North Carolina General Statute Section 53-92, I hereby appoint Benjamin T. Tison III, Mecklenburg County, North Carolina as Commissioner of Banks to serve a term beginning April 1, 1987, and expiring March 31, 1991, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

Lieutenant Governor Jordan recognizes Senator Hardison, Chairman of the Senate Commerce Committee, who submits the following report:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE CHAMBER
STATE LEGISLATIVE BUILDING
RALIEGH 27611

March 12, 1987

The Honorable Robert B. Jordan, III
President, North Carolina Senate
Legislative Office Building
Raleigh, North Carolina 27611

Dear Mr. President:

In compliance with the provisions of G.S. 53-92 requiring that appointees to the office of Commissioner of Banks shall be subject to confirmation by the General Assembly in Joint Session, Governor Martin has submitted for confirmation by the General Assembly the following name:

Benjamin T. Tison, III

The Senate Committee on Commerce has considered the appointee and makes the following recommendation to the Joint Session:

That the appointment of Benjamin T. Tison, III as Commissioner of Banks be confirmed.

Respectfully Submitted
s/Harold W. Hardison
Chairman
Senate Committee on Commerce

March 19, 1987

Senator Hardison moves that the Senate do confirm the appointment of Benjamin T. Tison III as the Commissioner of Banks.

The motion to confirm the appointment of Benjamin T. Tison III as the Commissioner of Banks prevails by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Taft, Tally, Ward, and Warren--43.

Voting in the negative: Senators Richardson, Swain, Thomas, and Winner--4.

Lieutenant Governor Jordan relinquishes the gavel to the Speaker of the House of Representatives.

Speaker Ramsey recognizes Representative Fletcher, Chairman of the Committee on Banks and Thrift Institutions of the House of Representatives, who submits the following report:

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
STATE LEGISLATIVE BUILDING
RALEIGH 27611

March 19, 1987

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
North Carolina General Assembly
Raleigh, North Carolina

Dear Speaker Ramsey:

In compliance with North Carolina General Statute Section 53-92, that nominee Benjamin T. Tison III, fill the position of Commissioner of Banks, subject to confirmation by the General Assembly in Joint Session, the Committee on Banks and Thrift Institutions submits the following recommendation:

To confirm_____
Not to confirm ____XX____

Respectfully submitted,
s/Ray C. Fletcher
Chairman
Banks and Thrift Institutions
Committee

Representative Fletcher moves that the House of Representatives adopt the report of the Banks and Thrift Institutions Committee.

The motion to confirm the appointment of Benjamin T. Tison III, as the Commissioner of Banks, fails to prevail by roll-call vote, ayes 31, noes 81, as follows:

Those voting in the affirmative are: Representatives Abernethy, Alexander, Barbee, Brawley, J. Brown, Chalk, Cochrane, Craven, Cromer, Decker, Duncan, Foster, Gardner, Grady, Grimmer, Hasty, Hege, Huffman, Hughes, Isenhower, Justus, Keesee-Forrester, Ligon, Mothershead, Murphy, Privette, Rhyne, Starnes, Walker, R. Warren, and Windley--31.

Those voting in the negative are: Speaker Ramsey, Representatives Anderson, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Brannan, B. Brown, Brubaker, Buchanan, Bumgardner, Burke, Chapin, Church, Colton, Cooper, J. W. Crawford, N. J. Crawford, Cunningham, Dawkins, DeVane, Diamont, Easterling,

Edwards, Enloe, Bob Etheridge, Bruce Ethridge, Fitch, Fletcher, Freeman, Fussell, Gist, Greenwood, Hackney, Hall, Hardaway, Hightower, Holroyd, Holt, Jack Hunt, Judy Hunt, S. Hunt, Hunter, James, Jarrell, Jeralds, Jones, Kennedy, Kerr, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Nesbitt, Nye, Owens, Payne, Perdue, Raynor, Redwine, Rogers, Stamey, Tart, R. Thompson, S. Thompson, Tyndall, Warner, E. Warren, Watkins, Wicker, Wilmoth, Wiser, and Woodard--81.

Speaker Ramsey relinquishes the gavel to Lieutenant Governor Jordan.

Failing to receive an affirmative majority of votes of both Bodies, the Chair announces the appointment of Benjamin T. Tison III, as the Commissioner of Banks fails to be confirmed by the General Assembly.

Lieutenant Governor Jordan orders the Governor notified of the action of the General Assembly, sitting in Joint Session, upon the failure of the confirmation of the appointment of Benjamin T. Tison III, as the Commissioner of Banks.

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

S.B. 43, a bill to give the tax collector the same limited subpoena power as is given the tax supervisor, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Winner:

S.B. 188, a bill to require high school age children to pass in school to be eligible for drivers licenses.
Referred to **Education Committee**.

By Senators Harris, Basnight, Bryan, Ezzell, Hardison, Harrington, Hunt of Moore, Martin of Pitt, Marvin, Richardson, Royall, Smith, Walker and Ward:

S.B. 189, a bill concerning services to individuals with developmental disabilities.
Referred to **Human Resources Committee**.

By Senators Harris, Basnight, Bryan, Ezzell, Hardison, Harrington, Hunt of Moore, Martin of Pitt, Marvin, Richardson, Royall, Smith, Walker and Ward:

S.B. 190, a bill further continuing the Mental Health Study Commission.
Referred to **Rules and Operation of the Senate Committee**.

By Senator Barker:

S.B. 191, a bill to appropriate funds to the Maritime Museum Watercraft Center.
Referred to **Appropriations Committee**.

By Senators Rand, Barnes, Basnight, Block, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake,

Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren:

S.B. 192, a bill to clarify the provisions of the Teacher Recruitment Program and to appropriate funds for the program.
Referred to **Education Committee.**

By Senators Barnes, Guy, Hardison, Johnson of Wake, Martin of Guilford, Seymour, Speed, and Warren:

S.B. 193, a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations.
Referred to **Judiciary I Committee.**
Senator Seymour moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Seymour, Walker, Hunt of Moore, Martin of Guilford, and Shaw:

S.B. 194, a bill to authorize the Department of Natural Resources and Community Development to enter into an agreement with the United States of America for participation in the Randleman Lake Project.
Referred to **Natural and Economic Resources and Wildlife Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 87, a bill to require municipal assessors that appraise property to have the same qualifications as county assessors.
Referred to **Finance Committee.**

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read messages from the Governor as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 12, 1987

The Honorable Robert B. Jordan, III
President of the Senate
Lieutenant Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina State Board of Agriculture

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statutes 106-2, I am appointing the persons listed below to the State Board of Agriculture subject to the consent of the Senate. Their terms of office will expire May 4, 1993. I hereby submit their names to the Senate for said consent.

1. Earl Rountree - Gates County
   General Farmer

2. John C. Howard, Jr. - Lenoir County
   Tobacco Farmer

3. Pete Lovette - Wilkes County
   Experienced in Marketing

Sincerely,
s/James G. Martin
Governor

Referred to **Agriculture Committee.**

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 12, 1987

The Honorable Robert B. Jordan, III
President of the Senate
Lieutenant Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: Board of Trustees of the Teachers' and State Employees' Retirement System

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute 135-6, I am appointing the persons listed below to the Board of Trustees of the Teachers' and State Employees' Retirement System subject to confirmation by the Senate. Their term of office will expire April 5, 1991. I hereby submit their names to the Senate for said confirmation.

1. Shirley Ann Hise - Mitchell County
   Teacher

2. Leo F. Walsh, Jr.- Moore County
   Employee of the Department of Transportation

3. Donna A. Creech - Johnston County
   Employee of the Department of Human Resources

Sincerely,
s/James G. Martin
Governor

Referred to **Pensions and Retirement Committee.**

EXECUTIVE ORDERS

The Chair refers Executive Orders No. 37 and No. 38, received following adjournment *sine die* of the 1985 Session of the General Assembly, to the **State Government Committee** as follows:

Executive Order Number 37, North Carolina Response to and Management of Federal Restrictions on Private Activity Bonds and Low-income Housing Tax Credits

Executive Order Number 38, Amendment to Executive Order Number 32, Governor's Literacy Council.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 8 (Committee Substitute), a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 130, a bill to amend the City of Raleigh facility fee enabling legislation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 141, a bill to prohibit hunting from the rights-of-way of public roads in Burke and Caldwell Counties.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 26, a bill to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

Senator Staton offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, and Winner--45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow upon third reading.

S.B. 23, a bill to delete references in the property tax statutes to the obsolete position of list taker.

On motion of Senator Conder, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 38, a bill to expedite proceedings involving child victims and witnesses-2.

The bill passes its second reading (electronically recorded).

Senator Soles objects to the third reading of the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 78, a bill to require adequate disclosure by continuing care facilities.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 100, a bill to clarify the provision of G.S. 48-36(d) specifying what shall be contained in an order changing the name of an adopted person who is 18 or more years of age as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 45, a bill to allow even-year elections for some multi-county sanitary districts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 70, a bill to correct the effective date of the North Carolina Therapeutic Recreation Personnel Certification Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 39 (Committee Substitute), a bill to change the date for the Martin Luther King, Jr., legal public holiday to the same date provided by federal law and to provide for a paid holiday for State employees on that date, upon third reading.

Senator Harris offers Amendment No. 3 which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 4. Senator Martin of Guilford, seconded by Senator Taft, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 4 lies upon the table.

Senator Martin of Guilford calls the previous question, seconded by Senator Royall. The call is sustained.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 3.

On motion of Senator Harrington, seconded by Senator Martin of Guilford, the Senate adjourns to meet tomorrow at 9:30 A.M.

THIRTIETH DAY

SENATE CHAMBER,
Friday, March 20, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable J. J. Harrington, President Pro Tempore.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O Lord of Life, we thank Thee for the blessing of this week, for the help of pages and personal staff, for the effective work of the Principal Clerk and her staff, for the valuable assistance of the Reading Clerk, for the leadership of the Sergeant-at-Arms and her staff, for the enactment of significant legislation, and for Thy sustaining presence with us throughout the long committee meetings and the heated debate of the week.

"We give Thee Thanks, O Lord.

"Bless us now as we close out this week's work in the General Assembly. Give each of us a safe trip home, grant us a special time of fellowship with our families, inspire us in services of corporate worship, and renew our strength, that we might return to next week's tasks with new zeal and new energy. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barker, Cobb, Johnson of Wake, Kaplan, Sands, Smith, and Thomas for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris, at the request of the Chairman, Senator Harrington, for the **Rules and Operation of the Senate Committee.**

S.J.R. 67, a joint resolution honoring the life and memory of William Preston Saunders, with a favorable report.

On motion of Senator Harris, the joint resolution is placed on the Calendar for Monday, March 23, as Special Order of Business No. 1.

S.J.R. 186, a joint resolution honoring the life and memory of Dr. K. Z. Chavis, with a favorable report.

By Senator Swain for the **Judiciary III Committee.**

S.B. 121, a bill to amend the parole eligibility requirements for committed youthful offenders sentenced under Chapter 90 of the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion, the Committee Substitute bill is adopted and placed on the Calendar for Monday, March 23.

S.B. 160, a bill to allow 16 and 17 year olds to drive an automobile or truck less than 6,000 pounds gross weight for the purpose of making deliveries for those pharmacies that are not otherwise governed by the Federal Fair Labor Standards Act, with an unfavorable report as to bill, but favorable to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 160** (Committee Substitute), a bill to permit 16 and 17 year olds to do limited driving on the job, is placed before the Senate for immediate consideration and on his further motion, the Committee Substitute bill is adopted and placed on the Calendar for Monday, March 23.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barker:

S.B. 195, a bill to provide for enforcement of building and other codes by the County of Craven as to property of Craven Community College rather than by cities in that County.

Referred to **Local Government and Regional Affairs I Committee.**

By Senators Kaplan, Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of

Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner:

S.B. 196, a bill to require advertisements of textile products to disclose whether the products are imported or made in America.
Referred to **Judiciary IV Committee.**

By Senators Taft and Martin of Pitt:

S.B. 197, a bill to appropriate funds for an equine indoor arena at the Martin Community College.
Referred to **Appropriations Committee.**

By Senators Rand, Barker, Barnes, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner:

S.B. 198, a bill to appropriate funds for the construction of public libraries and to appropriate additional funds to the Aid to Public Libraries Fund.
Referred to **Appropriations Committee.**

By Senators Seymour, Barker, Barnes, Block, Daniel, Ezzell, Goldston, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, Parnell, Rand, Richardson, Royall, Sands, Shaw, Sherron, Soles, Staton, Tally, Thomas, and Ward:

S.B. 199, a bill providing a funding formula and a selection process for the inclusion of works of art in State buildings.
Referred to **State Government Committee.**

By Senator Barker:

S.B. 200, a bill to authorize Carteret County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

By Senator Johnson of Wake:

S.B. 201, a bill to appropriate funds to equip all Highway Patrol vehicles with walkie-talkies.
Referred to **Appropriations Committee.**

By Senator Johnson of Wake:

S.B. 202, a bill to require a judicial official to state the reason(s) for requiring a secured bail bond as a condition of pretrial release.
Referred to **Judiciary II Committee.**

By Senator Johnson of Wake:

S.B. 203, a bill to replace Chapter 24 of the General Statutes with a new Chapter regulating interest.
Referred to **Judiciary II Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 85, an act to authorize the City of Lexington to purchase natural gas by using informal bid procedures. (Ch. 21)

H.B. 45, an act to allow even-year elections for some multi-county sanitary districts. (Ch. 22)

H.B. 70, an act to correct the effective date of the North Carolina Therapeutic Recreation Personnel Certification Act. (Ch. 23)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 196, a bill to authorize Wildlife Enforcement Officers to enforce the littering law in McDowell County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 208, a bill to authorize an increase in the informal bid limits relating to the letting of public contracts by the City of Greensboro.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 212, a bill to increase the penalty for parking violations that are committed in the Town of Kernersville and are established by relying on the prima facie rule of evidence.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 220, a bill to change the date of the nonpartisan Mitchell County Board of Education election from May to November.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 223, a bill to allow the Town of Tryon to convey to the Polk County Community Foundation, Inc., certain real estate at private sale.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 239, a bill to allow Scotland County to convey a tract of land at private sale to the Scotland County Stadium-Civic Center, Inc.
Referred to **Local Government and Regional Affairs I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 8 (Committee Substitute), a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, upon third reading.
The Committee Substitute bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:
Voting in the affirmative: Senators Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Speed, Swain, Taft, Tally, Ward, Warren, and Winner--34.
Voting in the negative: None.
The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 26, a bill to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators, as amended upon third reading.
The bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 1, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Speed, Swain, Taft, Tally, Ward, Warren, and Winner--32.

Voting in the negative: Senator Simpson--1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 37 (Committee Substitute), a bill to expedite proceedings involving child victims and witnesses.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 43, a bill to give the tax collector the same limited subpoena power as is given the tax supervisor.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers.

On motion of Senator Martin of Pitt, Committee Amendment No. 1 is adopted.

Senator Block offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill, as amended, remains on the Calendar for Monday for further consideration.

On motion of Senator Guy, seconded by Senator Speed, the Senate adjourns to meet Monday at 7:00 P.M.

THIRTY-FIRST DAY

SENATE CHAMBER,
Monday, March 23, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Father Charles Mulholland, Pastor of St. Michael's Catholic Church, Cary, as follows:

"May this assembly come together in the spirit of the founders of this nation who acknowledged that the Creator and not the state had endowed all with inalienable rights. We together acknowledge that we are the benefactors of this 'goodliest land' of North Carolina. A State which gives inspiration from towering mountains, rolling hills, fertile coastal plains, and the awesome sight of a mighty ocean.

"We beg that the spirit of generosity and goodness which informs all the wonders of this State will come down upon this assembly as they deliberate the legislation that governs its citizens. To the Giver of all these good gifts, we humbly give thanks and confess that we are dependent on the gift of wisdom that comes from beyond ourselves and is best found in charitable deliberation.

"May all here be blessed with the humility that recognizes that we are not the master of our bounty, but stewards and caretakers, and so act to bring justice and equality to all the citizens of North Carolina.

"We beg this in the Name of God. Amen"

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Bryan and Taft for tonight.

The President extends courtesies of the gallery to the Director of the State Bureau of Investigation, Robert B. Morgan, former United States Senator from North Carolina. The President and members of the Senate, standing, recognize fifty years of outstanding service provided the citizens of the State of North Carolina by the State Bureau of Investigation.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 47, an act to amend the licensing process for a low-level radioactive waste facility by first requiring the applicant to satisfy the State Department of Human Resources of his financial and technical capabilities. (Ch. 24)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Barnes, Thomas, Winner, and Seymour:

S.B. 204, a bill to provide for the purchase of a two-way radio system for the State Parks and Recreation areas.
Referred to **Appropriations Committee.**

By Senators Warren, Hardison, and Martin of Guilford:

S.B. 205, a bill to establish State and local funding responsibilities for the uniform system of free public schools and to establish a special fund to meet critical school facility needs.
Referred to **Education Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 169, a bill to authorize the lawful taking of black bears in Beaufort County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.J.R. 176, a joint resolution urging Congress to address the punitive provisions of Title XII of the Food Security Act of 1985 and to consider Legislation requiring or encouraging the refinancing of FMHA farm debts prior to foreclosure.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 228, a bill to permit the Department of Correction to provide laundry services for the U.S. Olympic Festival - '87.
Referred to **Judiciary II Committee.**

H.B. 238, a bill to provide that the Town of River Bend shall not have extraterritorial planning and zoning jurisdiction.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 278, a bill to allocate funds from the special reservefor oil overcharge funds to pay the attorneys who represent the State in the oil overcharge fund litigation.

Referred to **Appropriations Committee.**

RE-REFERRAL

S.B. 203, a bill to replace Chapter 24 of the General Statutes with a new Chapter regulating interest.

On motion of Senator Johnson of Wake, the bill is taken from the **Judiciary II Committee** and is re-referred to the **Commerce Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 67,** a joint resolution honoring the life and memory of William Preston Saunders.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 116, a bill to permit the taking of one antlerless deer during a muzzle-loading firearms season with a bag limit of five or more.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 121 (Committee Substitute), a bill to amend the parole eligibility requirements for committed youthful offenders sentenced under Chapter 90 of the General Statutes.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 145, a bill to provide for the Court of Appeals to hear certain appeals in which life sentences are imposed.

On motion of Senator Winner, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Sands to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 160 (Committee Substitute), a bill to permit 16 and 17 year olds to do limited driving on the job.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 162, a joint resolution honoring the life and memory of Dr. K.Z. Chavis.

On motion of Senator Ezzell, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.J.R. 186, a joint resolution honoring the life and memory of Dr. K. Z. Chavis.

On motion of Senator Ezzell, consideration of the joint resolution is postponed until Wednesday, March 25.

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers, as amended, upon third reading.

Without objection, consideration of the bill, as amended, is postponed until Wednesday, March 25.

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 23, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor
State Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Commissioner of Banks

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 53-92, I hereby appoint William T. Graham, Forsyth County, North Carolina as Commissioner of Banks to serve a term Beginning April 1, 1987, and expiring March 31, 1991, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

Referred to **Commerce Committee**.

The President recognizes the following pages serving in the Senate this week: Melissa Brown, Raleigh; Harry E. Brown II, Raleigh; Lisa Darlene Cox, Eden; Ben Davis, Buies Creek; Doug Eller, Todd; Matt Hedt, Concord; Jay Ingle, Greensboro; Amy Dawn Jones, Benson; Tami Darlene Jones, Benson; Tracey Lee Killebrew, Rocky Mount; Amy Elizabeth Kimbro, Wilson; Phillip E. Lewis, West Jefferson; Kristen Matthews, Fuquay-Varina; Curt O'Briant, Asheboro; Joel S. Padgett, Concord; Cristy M. Price, Atlantic Beach; John Long Stephenson, Murfreesboro; William Todd Stillerman, Winston-Salem; and Brynn Chadwick Tilley, Mount Airy.

On motion of Senator Harrington, seconded by Senator Conder, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SECOND DAY

SENATE CHAMBER,
Tuesday, March 24, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, as we begin the deliberations of this day, we ask Your blessing upon our Lieutenant Governor, upon the Members of this Body, upon the staff of the General Assembly, and upon the citizens of our fair State.

"Bless us one and all with a life of integrity, with a spirit of love, with a freedom from pettiness, with a passion for justice, with a sensitivity to the needs of others, with a heart of compassion and with a willingness to take upon ourselves the burdens of others. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Taft for today.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.J.R. 67, a joint resolution honoring the life and memory of William Preston Saunders. (Res. 10)

H.J.R. 162, a joint resolution honoring the life and memory of Dr. K.Z. Chavis. (Res. 11)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 54 (Committee Substitute), a bill to change the limit on the amount of funds clerks may receive on behalf of minors and incompetents, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 206, a bill to authorize the City of Raleigh to continue certain economic development activities.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 207, a bill to remove certain property from the corporate limits of the City of Raleigh.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 208, a bill to allow the City of Raleigh to engage in economic development activities by providing for the application of all of G.S. 158-7.1 to that City.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Rand, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 209, a bill to expand the functions of the Technological Development Authority and to require economic development plans from the Biotechnology Center and the Microelectronics Center.
Referred to **Appropriations Committee.**

By Senators Johnson of Wake and Harris:

S.B. 210, a bill to clarify the selection of the Burial Association Administrator.
Referred to **Judiciary II Committee.**

By Senators Thomas and Hipps:

S.B. 211, a bill to appropriate funds to the John C. Campbell Folk School for a new dining hall and multi-purpose facility.
Referred to **Appropriations Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 97 (Committee Substitute), a bill to ensure that the public has notice of all restaurants' health ratings.
The Committee Substitute bill passes its second reading (electronically recorded).
On objection of Senator Simpson to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

S.B. 145, a bill to provide for the Court of Appeals to hear certain appeals in which life sentences are imposed, as amended, upon third reading.
The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Staton for the **Economic Growth Committee:**

S.B. 156, a bill to create the Office of Emergency Employment, with a favorable report, as amended.
On motion of Senator Staton, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.
The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Barnes for the **Judiciary I Committee:**

S.B. 65, a bill to adopt a comparative fault system and make it inapplicable to State torts, with a favorable report, as amended.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

S.B. 170, a bill to grant additional eminent domain powers to the Town of Apex for water and sewer lines and water and sewer treatment facilities, with a favorable report.

S.B. 171, a bill to allow the Town Manager of Apex to appoint the Town Clerk, with a favorable report.

H.B. 80, a bill to provide for a special reserve for the funds received by Iredell County from the sale of Lowrance Hospital, with a favorable report.

H.B. 154 (Committee Substitute), a bill to authorize more counties to regulate abandoned junked vehicles for aesthetic purposes, with a favorable report, as amended.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

S.B. 77, a bill to amend Chapter 557 of the 1985 Session Laws relating to Winston-Salem uptown development projects, with a favorable report.

H.B. 33, a bill establishing the amount of occupancy tax revenue in Haywood County that may be used for administrative expenses, with a favorable report.

On motion of Senator Hunt of Moore, the bill is re-referred to the **Finance Committee.**

H.B. 38, a bill to abolish the Kannapolis Street Planning Board, and delete a statutory reference to that Board, with a favorable report.

H.B. 106, a bill to exempt the Town of Farmville from having to comply with the public bidding law with respect to the May House building and grounds development as a public park to be made with private funds, with a favorable report.

WITHDRAWAL FROM COMMITTEE

H.B. 238, a bill to provide that the Town of River Bend shall not have extraterritorial planning and zoning jurisdiction.

On motion of Senator Barker, the rules are suspended and the bill is taken from the **Committee on Local Government and Regional Affairs II** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Winner, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-THIRD DAY

SENATE CHAMBER,
Wednesday, March 25, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Don Frampton, Minister of the First Presbyterian Church, Rockingham, as follows:

"Almighty and Ever-present God, Whose love knows no limits and Whose compassion is directed to those whose needs are great we come before You asking once again Your blessing on the work of this Senate. Your abundant gifts are evident in this Chamber. The gifts of good minds, of ease of relationships of other people, of effective communication are all endowments we do not take lightly. For these and other gifts, we offer You our utmost thanks.

"Now, Gracious God, may we put to use that which You have given us, not that our efforts bring honor and glory to us, but that they bring honor and glory to You.

"For in sharpening our focus on You, the acts of service and justice with which the people have entrusted us and which are so important to this State will naturally follow. In Your Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Alcoholic Beverage Control Committee:**

H.B. 214, a bill to conform the hours of alcohol sales to federal Daylight Savings Time, with a favorable report.

S.B. 179, a bill to authorize a single purchase-transportation permit for certain large purchases of spirituous liquor, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee:**

S.B. 167, a bill to amend the provisions which forbid local board of health members to serve more than three consecutive three-year terms, with a favorable report.

H.B. 181, a bill to repeal the Hospice sunsetting provision, with a favorable report.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

S.B. 194, a bill to authorize the Department of Natural Resources and Community Development to enter into an agreement with the United States of America for participation in the Randleman Lake Project, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Appropriations Committee.**

H.B. 169, a bill to authorize the lawful taking of black bears in Beaufort County, with a favorable report.

By Senator Goldston for the **Transportation Committee**:

S.B. 183, a bill to provide that the Division of Motor Vehicles may not give oral drivers license tests to provisional licensees, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rauch, Allran, Barnes, Goldston, Hardison, Harrington, Harris, Hipps, Marvin, McDuffie, Plyler, Royall, Sands, Smith, Speed, Swain, Thomas, Walker, Ward, Warren, and Winner:

S.B. 212, a bill to clarify the exemption of certain homes for the aged, sick, or infirm from property taxation.
Referred to **Finance Committee**.

By Senators Hardison and Harris:

S.B. 213, a bill to make the possession of any quantity of cocaine a felony.
Referred to **Judiciary II Committee**.

By Senator Cobb:

S.B. 214, a bill to provide for the election of district and superior court judges on a nonpartisan basis, and provide for the election of superior court judges in their districts.
Referred to **Election Laws Committee**.

Senator Hipps attests to and submits a copy of petitions filed in the office of the Principal Clerk, as follows:
"We the undersigned therefore petition the General Assembly of the legislature of the State of North Carolina to either: act directly to remove North Carolina from the Southeast Low Level Radioactive Waste Compact, or put the question directly to the people of this State in a binding referendum on the earliest possible election date."
Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War.
Referred to **Veterans Affairs and Senior Citizens Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 39 (Committee Substitute), an act to change the date for the Martin Luther King, Jr., legal public holiday to the same date provided by federal law and to provide for a paid holiday for State employees on that date. (Ch. 25)

H.B. 238, an act to provide that the Town of River Bend shall not have extraterritorial planning and zoning jurisdiction. (Ch. 26)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 170, a bill to grant additional eminent domain powers to the Town of Apex for water and sewer lines and water and sewer treatment facilities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 77, a bill to amend Chapter 557 of the 1985 Session Laws relating to Winston-Salem uptown development projects.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 171, a bill to allow the Town Manager of Apex to appoint the Town Clerk.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 38, a bill to abolish the Kannapolis Street Planning Board, and delete a statutory reference to that Board.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 80, a bill to provide for a special reserve for the funds received by Iredell County from the sale of Lowrance Hospital.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 106, a bill to exempt the Town of Farmville from having to comply with the public bidding law with respect to the May House building and grounds development as a public park to be made with private funds.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 154 (Committee Substitute), a bill to authorize more counties to regulate abandoned junked vehicles for aesthetic purposes.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 65, a bill to adopt a comparative fault system and make it inapplicable to State torts.

On motion of Senator Barnes, and without objection, Committee Amendment No. 1 is adopted.

Senator Barnes offers a motion that Committee Amendment No. 2 be adopted.

Senator Daniel offers Amendment No. 3 to amend Amendment No. 2.

Senator Soles rises to a point of order as to an amendment perfecting a pending amendment being properly before the Senate. The Chair rules Amendment No. 3 in order.

Senator Daniel calls the previous question, seconded by Senator Rauch. The call is sustained. Amendment No. 3, amending Amendment No. 2, is adopted (electronically recorded) with the President casting the tie-breaking vote.

Committee Amendment No. 2, as amended by Amendment No. 3, which changes the title to read **S.B. 65**, a bill to adopt a comparative fault system and make it inapplicable to State torts and to abolish joint and several liability, is adopted.

Senator Daniel offers Amendment No. 4. Senator Barnes, seconded by Senator Barker, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 4 lies upon the table.

Senator Barnes calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

Senator Harris objects to the third reading of the bill, as amended.

Senator Rauch offers a motion that the bill, as amended, be ordered engrossed, and without objection, the Chair orders the bill, as amended, engrossed and placed on the Calendar for tomorrow for further consideration, upon third reading.

S.J.R. 186, a joint resolution honoring the life and memory of Dr. K. Z. Chavis.

On motion of Senator Ezzell, seconded by Senator Ward, the bill is postponed indefinitely.

H.B. 54 (Committee Substitute), a bill to change the limit on the amount of funds clerks may receive on behalf of minors and incompetents.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 97 (Committee Substitute), a bill to ensure that the public has notice of all restaurants' health ratings, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers, as amended, upon third reading.

On motion of Senator Taft, consideration of the bill, as amended, is postponed until Friday, March 27.

On motion of Senator Harrington, seconded by Senator Hipps, the Senate adjourns to meet tomorrow at 2:00 P.M.

THIRTY-FOURTH DAY

SENATE CHAMBER,
Thursday, March 26, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, Thou Who art our refuge and our strength, we thank Thee for all of Thy loving kindness to us. For Your strength in our times of need, for Your peace in our time of turmoil, for Your comfort in our time of grief, for Your forgiveness in our times of repentance, for Your Presence in our times of loneliness, We give Thee thanks, O Lord.

"Now at the beginning of this Session, we ask for three more things. Give us determination to listen to all sides of each issue before us, give us wisdom to discern the direction which is to the best interest of all the citizens of our State, and give us courage to vote our conscience on the matters before us this day and every day. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Hipps, who is attending a Pre-Planning Session for the Southern Legislators Conference on Children and Youth and to Senator Thomas for today.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 20, an act to eliminate the requirement that a nonresident retail or wholesale merchant register with the Department of Revenue for sales tax purposes. (Ch. 27)

H.B. 38, an act to abolish the Kannapolis Street Planning Board, and delete a statutory reference to that Board. (Ch. 28)

H.B. 54 (Committee Substitute), an act to change the limit on the amount of funds clerks may receive on behalf of minors and incompetents. (Ch. 29)

H.B. 80, an act to provide for a special reserve for thefunds received by Iredell County from the sale of Lowrance Hospital. (Ch. 30)

H.B. 106, an act to exempt the Town of Farmville from having to comply with the public bidding law with respect to the May House building and grounds development as a public park to be made with private funds. (Ch. 31)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 228, a bill to permit the Department of Correction to provide laundry services for the U.S. Olympic Festival - '87, with a favorable report.

S.B. 131, a bill to revise the penalties for littering, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted and placed on the Calendar for Monday, March 30.

By Senator Winner for the **Environment Committee**:

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

S.B. 95, a bill to establish a Statewide Health Promotion and Disease Prevention Program, with a favorable report, as amended.

On motion of Senator Harris, the rules are suspended an the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the Appropriations Committee.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hunt of Durham:

S.B. 215, a bill to raise the processing fee for bad checks.
Referred to **Finance Committee.**

By Senators Barnes, Block, Hardison, Hipps, Seymour, Tally, Warren, and Winner:

S.B. 216, a bill to amend and clarify statutes contained in Chapter 90 of the General Statutes dealing with the definition of and regulation of cocaine.
Referred to **Judiciary I Committee.**

By Senator Walker:

S.B. 217, a bill to promote economic development by authorizing tax credits for certain business investments.
Referred to **Economic Growth Committee.**

By Senator Simpson:

S.B. 218, a bill to reduce the legal level of intoxication for drivers driving passenger vehicles of over 15 passenger capacity including the driver, driving commercial type or combination type vehicles with a gross weight of 26,000 pounds, or driving a vehicle transporting hazardous materials.
Referred to **Judiciary IV Committee.**

By Senator Somers:

S.B. 219, a bill to amend the mandatory seat belt law so as to make seat belt usage optional for adults.
Referred to **Judiciary I Committee.**

By Senators Martin, of Pitt and Ezzell:

S.B. 220, a bill to appropriate funds to the Antique Village of Wilson County.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 221, a bill to increase the interest rate applicable to *In Re* property tax foreclosures and to permit a taxing unit to collect administrative costs incurred in these foreclosures.
Referred to **Finance Committee.**

By Senator Speed:

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value.
Referred to **Agriculture Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 108, a bill to extend from three to five years the time for demanding property tax refunds.
Referred to **Finance Committee.**

H.B. 204, a bill making technical corrections to the property tax statutes governing collection of property taxes.
Referred to **Finance Committee.**

H.B. 245, a bill to require the State Board of Education, the State Board of Community Colleges and the University Board of Governors to meet jointly at least once a year.
Referred to **Higher Education Committee.**

EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the 1985 Session of the General Assembly are referred to committee, as follows:

Executive Order Number 41, Governor's Task Force on Development of Private Seed Venture Capital Sources.
Referred to **Economic Growth Committee.**

Executive Order Number 42, State Building Commission.
Referred to **State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 170, a bill to grant additional eminent domain powers to the Town of Apex for water and sewer lines and water and sewer treatment facilities, upon third reading.
The bill passes its third reading by roll-call vote, ayes 42, noes 1, as follows:
Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.
Voting in the negative: Senator Harris--1.
The bill is ordered sent to the House of Representatives.

S.B. 179, a bill to authorize a single purchase-transportation permit for certain large purchases of spirituous liquor.
On motion of Senator Seymour, Committee Amendment No. 1 is adopted.
Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 169, a bill to authorize the lawful taking of black bears in Beaufort County.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 167, a bill to amend the provisions which forbid local board of health members to serve more than three consecutive three-year terms.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 183, a bill to provide that the Division of Motor Vehicles may not give oral drivers license tests to provisional licensees.
The bill passes its second reading (electronically recorded).

Senator Warren objects to the third reading of the bill and it remains on the Calendar for tomorrow for further consideration.

H.B. 181, a bill to repeal the Hospice sunsetting provision.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 214, a bill to conform the hours of alcohol sales to federal Daylight Savings Time.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 65, a bill to adopt a comparative fault system and make it inapplicable to State torts and to abolish joint and several liability, upon third reading.

Senator Barnes calls the previous question, seconded by Senator Harris. The call is sustained.

The bill passes its third reading (electronically recorded).

Senator Barnes, seconded by Senator Harris, moves that the vote by which the bill passed its third reading be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded). The motion to reconsider the passage of the bill upon its third reading lies upon the table. Without objection, the bill is ordered sent to the House of Representatives by special messenger.

On motion of Senator Harrington, seconded by Senator Richardson, the Senate adjourns to meet tomorrow at 9:30 A.M.

THIRTY-FIFTH DAY

SENATE CHAMBER,
Friday, March 27, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Mary A. Clive, Minister of Broadway United Methodist Church, Broadway, as follows:

"Lord still our hearts and minds so that we may come in prayer and worship before You. Oh, God, Maker of us all and the One Who is above all else, You have given us a heavy burden in the responsibility to make policies and be responsive to the needs of Your people. At the same time, You have made us human; vulnerable to the cries of competing needs and opinions. In these situations, give us the thinking hearts and feeling minds to be able to discern Your voice above the clamor of so many desires, so that all may come to live in peace and acceptance. Let us realize that although we have responsibilities, stress, and burdens, Your wisdom and power have been with all leaders since the time of Moses; they are sufficient to carry us forth if we but do our work, then rest in faith in You. Give us a sense of peace and assurance while still staying open and vulnerable to the God Who is present in all.

"In thanks and praise, we come to You, the One God of all. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Guy, who is attending a funeral, to Senator Staton, who has a doctor's appointment, and to Senators Hipps, McDuffie, and Thomas for today.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 64, an act to authorize Nash County to levy a room occupancy and tourism development tax. (Ch. 32)

H.B. 169, an act to authorize the lawful taking of black bears in Beaufort County. (Ch. 33)

H.B. 181, an act to repeal the Hospice sunsetting provision. (Ch. 34)

H.B. 214, an act to conform the hours of alcohol sales to federal Daylight Savings Time. (Ch. 35)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

S.J.R. 146, a joint resolution to honor the memory of the distinguished jurist and legislator, the late Honorable Earl W. Vaughn, and to acknowledge his career of public service and his unique contribution to the State of North Carolina, with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for Monday, March 30, as Special Order of Business No. 1.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hipps and Thomas:

S.B. 223, a bill to appropriate funds to finance the removal of hazardous substances, including poisons, corrosives, flammables, and explosives, from the schools of this State.

Referred to **Appropriations Committee**.

By Senators Kincaid, Goldston, and Sands:

S.B. 224, a bill to authorize the Town of Beech Mountain to levy a room occupancy and tourism development tax.

Referred to **Finance Committee**.

By Senator Tally:

S.B. 225, a bill to amend the law regarding kindergarten health assessments.

Referred to **Human Resources Committee**.

By Senators Taft, Johnson of Cabarrus, McDuffie, Sherron, Smith, Somers, Staton, Tally, Walker, Ward, and Winner:

S.B. 226, a bill to establish the Underground Storage Tank Remedial Action Fund.

Referred to **Environment Committee**.

By Senators Basnight and Martin of Pitt:

S.B. 227, a bill to make the Shad Boat the official State boat.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Harris:

S.B. 228, a bill to establish a Statewide AIDS Prevention and Education Program.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 229, a bill to amend the North Carolina Drinking Water Act.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 230, a bill to authorize the Commission for Health Services to adopt rules governing the sanitation of fish markets, and to make other conforming changes in Article 8, Chapter 130A of the General Statutes.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 231, a bill to require the Secretary of Human Resources to inspect food and lodging facilities at least four times a year.
Referred to **Human Resources Committee.**

ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills previously introduced:

By Senator Daniel:

S.B. 215, a bill to raise the processing fee for bad checks.

By Senator Daniel:

S.B. 226, a bill to establish the Underground Storage Tank Remedial Action Fund.

By Senators Daniel and Marvin:

S.B. 228, a bill to establish a Statewide AIDS Prevention and Education Program.

By Senator Marvin:

S.B. 229, a bill to amend the North Carolina Drinking Water Act.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina.
On motion of Senator Winner, Committee Amendment No. 1 is adopted.
Senator Walker offers Amendment No. 2.
Without objection, Senator Block is excused from voting for the stated reason: "I am a stockholder of National Services Industries which owns National Linen Service one of the largest commercial laundries in the State."

Amendment No. 2 is adopted (electronically recorded).

Senator Harris rises to a point of order as to the necessity of the bill, as amended, being re-referred to the **Finance Committee**. The Chair rules that the bill, as amended, is not required to be referred to the **Finance Committee** under Rule 42.

Senator Simpson offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Swain offers Amendment No. 4. Senator Swain calls the previous question, duly seconded. The call is sustained. Amendment No. 4 fails of adoption (electronically recorded).

Senator Winner calls the previous question. The call is not sustained for lack of a second.

Senator Martin of Pitt offers Amendment No. 5.

Without objection, Senator Block is excused from voting for the stated reason: "I am a stockholder of National Services Industries which owns National Linen Service one of the largest commercial laundries in the State."

Amendment No. 5 fails of adoption (electronically recorded).

Senator Parnell offers Amendment No. 6 which fails of adoption (electronically recorded).

Senator Walker calls the previous question. The call is not sustained for lack of a second.

Senator Swain offers Amendment No. 7.

Senator Walker, seconded by Senator Rand, offers a motion that Amendment No. 7 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 7 lies upon the table.

Senator Walker, seconded by Senator Harrington, calls the previous question. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

Senator Swain objects to the third reading of the bill, as amended, and the bill, as amended, remains on the Calendar for Monday, March 30, for further consideration.

WITHDRAWAL FROM COMMITTEE

H.B. 278, a bill to allocate funds from the special reserve for oil overcharge funds to pay the attorneys who represent the State in the oil overcharge fund litigation.

Senator Plyler moves that the bill be taken from the **Appropriations Committee** and placed on the Calendar for immediate consideration, which motion prevails.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

H.B. 228, a bill to permit the Department of Correction to provide laundry services for the U.S. Olympic Festival - '87.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers, as amended, upon third reading.

On motion of Senator Taft, consideration of the bill, as amended, is postponed until Monday, April 6.

S.B. 183, a bill to provide that the Division of Motor Vehicles may not give oral drivers license tests to provisional licensees, upon third reading.

On motion of Senator Sands, the bill is re-referred to the **Education Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee:**

S.B. 66, a bill to adopt a comparative fault system for State torts, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 66** (Committee Substitute), a bill to adopt a comparative fault system and to abolish joint and several liability for State torts, and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

On motion of Senator Harrington, seconded by Senator Block, the Senate adjourns to meet Monday at 7:00 P.M.

THIRTY-SIXTH DAY

SENATE CHAMBER,
Monday, March 30, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Keith Glover, Minister of White Plains United Methodist Church, Cary, as follows:

"Almighty God, for the many evidences of Your creative handiwork, we give You thanks and praise. For the refreshment of the rain, for the warmth of the sunshine, for the budding crocus, for the flowering dogwood, for worthwhile tasks to do, for the gift of time in which to do them, for all this, we give You thanks and praise. May Your creative and enabling Presence continue in the lives of the members of this General Assembly. Give them the wisdom and courage needed for the tasks set before them, eyes that see the needs, ears that hear the cries for help, and above all, hearts committed to the cause of truth and justice.

"Make us instruments of Your peace, and use each of us in a special way in the task of making the State of North Carolina a better place to live, work, and play for all of its citizens. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas for tonight.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 32, an act to provide that in all elections with voting devices requiring the voter to punch or mark a number in order to cast a straight-party ticket, the number shall be uniform statewide. (Ch. 36)

S.B. 79, an act to change the candidate filing period for the Caldwell County Board of Education. (Ch. 37)

S.B. 116, an act to permit the taking of one antlerless deer during a muzzle-loading firearms season with a bag limit of five or more. (Ch. 38)

S.B. 141, an act to prohibit hunting from the rights-of-way of public roads in Burke and Caldwell Counties. (Ch. 39)

H.B. 228, an act to permit the Department of Correction to provide laundry services for the U.S. Olympic Festival - '87. (Ch. 40)

H.B. 278, an act to allocate funds from the special reserve for oil overcharge funds to pay the attorneys who represent the State in the oil overcharge fund litigation. (Ch. 41)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Simpson:

S.B. 232, a bill to provide procedures to protect the privacy of any children required to testify as victims of abuse.
Referred to Judiciary IV Committee.

By Senators Rand, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Sands, Sherron, Speed, Swain, Taft, Tally, Walker, Ward, and Warren:

S.B. 233, a bill to appropriate funds to the Department of Human Resources, Division of Health Services for the United Cerebral Palsy of North Carolina.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 150, a bill to require persons hunting big game to display on their person a minimum amount of hunter orange.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 168, a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus.
Referred to **Transportation Committee.**

H.B. 227, a bill to restate the corporate boundaries of the Town of Dublin.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 240, a bill to make permanent the exemption for the Tyrrell County Boards of Education and County Commissioners to enter into certain contracts without complying with Chapter 133 and Article 8 of Chapter 143 of the General Statutes.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 251, a bill to repeal the Fayetteville Boxing and Wrestling Commission.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 253, a bill concerning voluntary satellite annexations by the Town of Kenly.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 258, a bill to allow the Town of Wendell to impose water and wastewater capacity charges.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 265, a bill to revise the duties of the Council on Developmental Disabilities.
Referred to **Human Resources Committee.**

H.B. 287, a bill regarding the Commissioner of Motor Vehicles' authority to regulate driver training schools.
Referred to **Transportation Committee.**

H.B. 289, a bill to make a technical correction relating to accident reporting after an accident involving a common carrier and another vehicle.
Referred to **Judiciary I Committee.**

APPOINTMENT BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 30, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina 27611

Re: State Personnel Commission

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 126-2, I hereby appoint Garland S. Edwards, Rockingham County, North Carolina as a member of the State Personnel Commission, to fill a vacancy until June 30, 1987, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

Referred to **State Personnel Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.J.R. 146 **SPECIAL ORDER NO. 1**

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being,

S.J.R. 146, a joint resolution to honor the memory of the distinguished jurist and legislator, the late Honorable Earl W. Vaughn, and to acknowledge his career of public service and his unique contribution to the State of North Carolina.

The joint resolution passes its second reading (electronically recorded), and its third reading by members of the Senate standing, and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 131 (Committee Substitute), a bill to revise the penalties for littering.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 302, a joint resolution honoring the life and memory of Robert Alton Gray, former Superintendent of Schools in Harnett County.

On motion of Senator Johnson of Wake, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina, as amended, upon third reading.

Senator Barker offers Amendment No. 8 which he subsequently withdraws.

Senator Walker calls the previous question, seconded by Senator Plyler.

Senator Taft offers a motion that the Senate do now adjourn, seconded by Senator Swain, which motion fails to prevail.

Senator Walker calls the previous question, seconded by Senator Rand. The call is sustained (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded).

Senator Walker moves that the vote by which the bill, as amended, passed its third reading be reconsidered and further moves that that motion do lie upon the table, which motion prevails (electronically recorded). The motion to reconsider the passage of the bill, as amended, upon its third reading lies upon the table. The Chair orders the bill engrossed and sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Dawn Leona Baldwin, New Bern; Melissa Marie Barham, Durham; Robin Bavacqua, Raleigh; Bruce Wayne Brazelton, Havelock; Melissa Collins Britt, Lumberton; Derek Creech, Raleigh; Christopher Todd Davis, Kenly; Meg Dickerson, Sanford; Lee Johanson, Raleigh; Briles Johnson, Raleigh; Jeffrey Scot Laws, Hudson; Laura Elizabeth Lyles, Rockingham; Kenneth Moore, Raleigh; David Nunnery, Autryville; Michelle Stillwell, Greenville; Michele Louise Taylor, Durham; Tammy Lynn Tippett, Franklinton; Sherri Lynne Warren, Newton Grove; and Melissa Anne Wise, Stedman.

On motion of Senator Harrington, seconded by Senator Johnson of Wake, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, March 31, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Suzanna Helms, Associate Minister of Hayes Barton United Methodist Church, Raleigh, as follows:

"Most Holy God, we pause in this moment to remember that here, as in all places, we are in Your Presence. You are within us. You are among us, uniting us to each other and to all Your children.

"You have placed a special calling in the hearts of the women and men gathered here, O God. They are, at once, servants, peacemakers, and protectors. They have the great privilege and awesome responsibility to make decisions which affect many other persons. As they deliberate, may they know You as their source of wisdom and understanding. Grant them peace and patience. Grant them perspective on both their power and their humility.

"These are good people, O God. They seek to serve well and lead bravely and make wise decisions and work to the best of their abilities. Be their guide, Lord. Bless them and keep them that all they might do and say would reflect the seriousness and indeed the sacredness of their calling. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for today.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 154 (Committee Substitute), an act to authorize more counties to regulate abandoned junked vehicles for aesthetic purposes. (Ch. 42)

S.J.R. 146, a joint resolution to honor the memory of the distinguished jurist and legislator, the late Honorable Earl W. Vaughn, and to acknowledge his career of public service and his unique contribution to the State of North Carolina. (Res. 12)

H.J.R. 302, a joint resolution honoring the life and memory of Robert Alton Gray, former Superintendent of Schools in Harnett County. (Res. 13)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 210, a bill to clarify the selection of the Burial Association Administrator, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read **S.B. 210** (Committee Substitute), a bill

to clarify the selection of the Administrator, is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Thursday, April 2.

By Senator Barnes for the **Judiciary I Committee:**

S.B. 96, a bill to make the evidence of the usage of seat belts inadmissible in criminal or civil proceedings, with a favorable report.

By Senator Guy for the **State Government Committee:**

H.B. 71, a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Guy, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

S.R. 13, a Senate Resolution adopting the permanent Rules of the Senate for the 1987 Session of the General Assembly of North Carolina, with an unfavorable report as to Senate resolution, but favorable as to Committee Substitute Senate resolution, with recommendation for adoption.

On motion of Senator Harrington, the proposed Senate Committee Substitute resolution is placed before the Senate for immediate consideration for adoption.

The Senate Committee Substitute resolution is adopted. The text of the resolution is as follows:

PERMANENT RULES OF THE 1987 SENATE GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, Rules 1-7
II. Conduct of Debate, Rules 8-17
III. Motions, Rules 18-24
IV. Voting, Rules 25-30
V. Committees, Rules 31-37
VI. Handling Bills, Rules 38-59
VII. Legislative Officers and Employees, Rules 60-65
VIII. General Rules, Rules 66-67

I. Order of Business

RULE 1. **Rules controlling the Senate of North Carolina and its committees.**--The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. **Convening hour.**--The President shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:30 p.m.

RULE 3. **Opening the session.**--The President shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. **Convening in absence of President.**--In the absence of the President, the President *Pro Tempore* shall reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when he has already voted on the question as a Senator. In the event of the absence of the President and President *Pro Tempore* at any time fixed for the reconvening of the Senate, the Majority Leader of the Senate, the Principal Clerk of the Senate, or in his or her absence also, some member of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as President.

RULE 5. **Quorum.**--(a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convene, the Senators present may send the doorkeeper or any person, for any or all absent Senators, as a majority of the Senators present determine.

RULE 6. **Approval of Journal.**--After the prayer, and upon appearance of a quorum, the President shall cause the Journal of the preceding day to be read and approved, unless the Chairman of the Committee on Rules and Operation of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. **Order of business.**--After approval of the Journal, the order of business shall be as follows:

(1) Reports of standing committees.
(2) Reports of select committees.
(3) Introduction of bills, petitions, and resolutions.
(4) Messages from the House of Representatives.
(5) Unfinished business of preceding day.
(6) Special orders.
(7) General orders:
    (a) Local bills in numerical order, Senate bills first
        (i) Third reading roll call and electronic voting system votes
        (ii) Second reading roll call and electronic voting system votes
        (iii) Second reading *viva voce*
        (iv) Third reading *viva voce*
    (b) Public bills in numerical order, Senate bills first
        (i) Third reading roll call and electronic voting system votes
        (ii) Second reading roll call and electronic voting system votes
        (iii) Second reading *viva voce*
        (iv) Third reading *viva voce*

II. Conduct of Debate

RULE 8. **President to maintain order.**--The President shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, he shall have the power to order those areas cleared.

RULE 9. **Substitution for President.**--The President shall have the right to call on any member to perform the duties of the Chair, but substitution shall not extend beyond one day.

RULE 10. **Points of order.**--(a) The President shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate is necessary to sustain any appeal from the ruling of the Chair.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order he shall take his seat until the President determines whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words excepted to shall be immediately taken down in writing, that the President or Senate may be better able to judge the matter.

RULE 11. **Debating and voting by Lieutenant Governor.**-- The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present, and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. **Obtaining recognition.**--(a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the President. No member shall speak further until recognized by the President, and when two or more members rise at the same time, the President shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Chair may award the floor to any Senator for the purposes of allowing that Senator to engage in general debate.

(c) A Senator who has obtained the floor may be interrupted only for the following reasons:

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.

(d) When a Senator refers to a bill, the bill number and short title must be used.

RULE 13. **Recognition for extending courtesies.**--(a) Courtesies of the floor and galleries shall be extended only by the President on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) Members may designate Honorary Pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

(c) The President may upon written request at intervals between various orders of business extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the President shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 14. **Limitations on individual debate.**--(a) No Senator shall speak on the same day more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No Senator shall speak on the same day more than once on an amendment or a motion to reconsider, commit, appeal or postpone, and then no longer than ten minutes.

(b) By permission of the President any member of the Senate may address the Senate from the well of the Senate for the purpose of explaining a bill or of giving an invocation.

RULE 15. **Priority of business.**--All questions relating to priority of business shall be decided without debate.

RULE 16. **Reading of papers.**--When the reading of a paper, other than a petition, is called for, and any Senator objects to the reading, the question shall be determined by the Senate without debate.

RULE 17. **General decorum.**--(a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No remark reflecting personally upon the action of any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the President is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between him and the President.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the President.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body. No article of any kind soliciting business or donations may be placed by any person anywhere in the Senate Chamber or in any Senate office.

(g) Food or beverage shall not be permitted in the Senate Chamber, either on the floor or in the galleries; however, after the Senate has remained in session for a period of two hours, food and beverage shall be allowed upon the floor of the Senate.

(h) Reading of newspapers, magazines, periodicals or books shall not be acceptable while the Senate is in session.

III. Motions

RULE 18. **Motions generally.**--All motions shall be reduced to writing, if desired by the President or a Senator, delivered at the table, and read by the President or Reading Clerk before the same are debated; but any motion may be withdrawn by the introducer at any time before decision or amendment. No motion relating to a bill shall be in order which does not identify the bill by its number and short title. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. **Motion; order of precedence.**--When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

(1) To adjourn.
(2) To lay on the table.
(3) For the previous question.
(4) To postpone indefinitely.
(5) To postpone to a certain day.
(6) To commit to a standing committee.
(7) To commit to a select committee.
(8) To amend.
(9) To substitute.

RULE 20. **Motions requiring a second.**--The motions to adjourn, to lay on the table, and to call for the previous question, shall be seconded and decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

RULE 21. **Motions to postpone to certain day and to commit.**--The respective motions to postpone to a certain day, or to commit to a standing or select committee, shall preclude debate on the main question.

RULE 22. (Reserved for future use).

RULE 23. **Motion for previous question.**--The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment: Provided, that no one shall move the previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, or the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

RULE 24. **Motion to reconsider.**--When a question has been once put and decided, any Senator who voted in the majority may move to reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken has gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day or in the next following legislative day on which the vote proposed to be reconsidered took place, unless the motion is made by the Committee on Rules and Operation of the Senate for verbal or grammatical errors in the bills, when the motion may be made at any time: Provided, that when the next legislative day has by motion of the Senate been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

IV. Voting

RULE 25. **Use of electronic voting system.**--(a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal.

(2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained.

(3) Both second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system, and a copy of the machine print-out of the votes shall be filed in the Legislative Library where it shall be open to public inspections:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.

(2) Any other question upon direction of the Chair or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Chair shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to which the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Chair shall enforce this rule without exception.

(e) When the electronic voting system is used, the Chair shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no';_____ seconds will be allowed for voting on this question; the Clerk will record the vote." After the machine locks and records the vote, the Chair shall announce the vote and declare the result.

(f) One copy of the machine print-out of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Chair ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the Senate and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken by voice vote as prescribed in Senate Rule 26(a). If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system print-out, the Chair shall direct the Reading Clerk and the Principal Clerk to verify and correct the print-out record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. **Voice votes; call for ayes and noes.**--(a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye'," and, after the affirmative vote is expressed, "Opposed 'no'"; after which the Chair shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Chair shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he shall address the Chair and obtain recognition and say, "Upon that question I call for the ayes and noes." Whereupon the Chair shall say, "Is the call sustained?" If one-fifth of the Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Chair shall announce, "An insufficient number up" and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. **Pairs.**--If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "Mr. President, I desire to announce a pair. If Senator _____ were present, he would vote _____; I would vote _____ (the

opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system print-out all pairs announced.

RULE 28. **Dividing question.**--If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

RULE 29. **Duty to vote; excuses.**--(a) Every Senator who is within the bar of the Senate when the question is stated by the Chair shall vote thereon unless he is excused by the Senate. The bar of the Senate shall include the entire Senate Chamber.

(b) Any Senator may request to be excused from voting, either immediately before or after the vote has been called for and before a viva voce vote result has been announced or before the electronic voting system has been unlocked. The Senator may make a brief statement of the reasons for making such request, and shall send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the request, and the Clerk shall include this statement in the Journal. The question on granting of the request shall be taken without debate.

RULE 30. **Explanation of vote.**--Any Senator may explain his vote on any bill pending by obtaining permission of the President after the final vote is taken: Provided, that not more than three minutes shall be consumed in such explanation.

RULE 30.1. **Questions of personal privilege.**--Upon recognition by the President for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. The President shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

V. Committees

RULE 31. **Appointment of committees.**--(a) The President of the Senate, unless he has by law disqualified himself from that office, shall have the exclusive right and authority to appoint all committees, regular or select, and to appoint committee chairmen and vice-chairmen, but he may delegate said authority in any instance, as he may choose. Upon the recommendation of the Committee on Rules and Operation of the Senate, the Senate may authorize, by majority vote of the Senators present and voting, a change in the number of standing committees.

(b) The President of the Senate shall appoint all standing committees at the beginning of the session.

RULE 32. **List of standing committees.**--The standing committees shall be:

Alcoholic Beverage Control
Agriculture
Appropriations
  Appropriations on Education
  Appropriations on General Government
  Appropriations on Human Resources
  Appropriations on Justice and Public Safety
  Appropriations on Natural and Economic Resources
Base Budget
Children and Youth

Commerce
Constitution
Economic Growth
Education
Election Laws
Environment
Finance
Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
Judiciary III
Judiciary IV
Local Government and Regional Affairs I
Local Government and Regional Affairs II
Manufacturing and Labor
Natural and Economic Resources and Wildlife
Pensions and Retirement
Rules and Operation of the Senate
State Government
State Personnel
Transportation
Veteran Affairs and Senior Citizens
Ways and Means

RULE 33. **Notice of committee meetings.**--(a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

(b) The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.

RULE 34. **Membership of committees; quorum.**--Membership on standing committees shall consist of not more than 22 or less than 5 Senators, including the chairman and/or cochairman and vice-chairman who shall be designated by the President; provided, the committee membership on the Appropriations Committee, Base Budget Committee, Finance Committee, State Government Committee, and Ways and Means Committee shall not be limited as to membership but shall be left to the discretion of the President. No Senator shall hold membership on more than 12 standing committees, with the exception of the President's Coordinator of Committees, unless the Rules and Operation of the Senate Committee provides otherwise. A quorum of the Appropriations, Base Budget, Finance, State Government, or Ways and Means Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and five members or a majority of the committee, whichever is fewer.

RULE 35. **Roll Call vote in Committee.**--No roll call vote may be taken in any committee. The committee chairman may vote in committee.

RULE 36. **Committee meetings.**--No committee or subcommittee shall hold a secret meeting, and all meetings of committees and subcommittees shall be open to the public: Provided, that any committee or subcommittee has the inherent right to hold an executive session when it determines that it is absolutely necessary to have such a session in order to prevent personal embarrassment, or when it is in the best interest of

the State; and in no event shall final action be taken by any committee or subcommittee except in open session.

RULE 36.1. **Committee minutes to Legislative Library.**-- The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chairman, except the chairman of the Appropriations, Finance, State Government, or Ways and Means Committee, shall deliver the minutes to the Legislative Library. The President *Pro Tempore* of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chairman.

RULE 37. (Reserved for interim operations rule).

VI. Handling Bills

RULE 38. **Application of rules.**--With the exception of speaking from the well of the Senate, all provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

RULE 39. **Form and copies of bills.**--(a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 20 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.

RULE 39.1. **Public and local bills; availability of copies of bills.**--A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the Senate.

RULE 40. **Introduction of bills.**--(a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 8:30 o'clock P.M.;
Tuesday, Wednesday, and Thursday until 4:00 o'clock P.M.;
Friday until 3:00 o'clock P.M.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading and reference to committee.

(b) Filing of bills during the interim shall be under the direction of the Rules and Operation of the Senate Committee as approved by the Senate.

(c) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the Senate.

RULE 40.1. **Local Appropriations Bills.**--No bill providing for appropriations from the State for local projects may be filed for introduction in the Senate if it deals

with more than one subject or object. Each bill appropriating money for local projects shall be considered separately on its own merits by the appropriate Appropriations Subcommittee and then by the full Appropriations Committee.

RULE 41. **Deadlines on Filing for Introduction of Bills and Resolutions.**--(a) All Senate bills prepared to be introduced by departments, agencies or institutions of the State must be filed for introduction in the Senate not later than the third Thursday in April (April 16) of the first year of the biennial session. All Senate local bills must be filed for introduction in the Senate not later than the third Thursday in April (April 16) of the first year of the biennial session; provided that any local measure submitted to the Bill Drafting Division of the Legislative Services Office by 3:00 p.m. by the preceding Wednesday and filed for introduction in the Senate by the next Wednesday (April 22) shall be treated as if it had been filed for introduction pursuant to this subsection. All resolutions, except those honoring the memory of deceased persons, must be filed for introduction in the Senate not later than April 16 of the first year of the biennial session. All public bills except appropriations bills or adjournment resolutions must be filed for introduction by April 30. All appropriations bills must be filed for introduction by May 21. A two-thirds (2/3) vote of the membership of the Senate shall be required to file for introduction any bill or resolution after May 21 of the first year of the biennial session. This rule shall not apply to a bill or resolution proposing adjournment or a budget, proposing or ratifying a constitutional amendment, calling for a constitutional convention, or to any reconvened session following the adjournment of the first year of the biennial session.

(b) In order to be eligible for consideration by the Senate during the first regular session, all House Bills other than finance bills or appropriations bills or adjournment resolutions, must be received and read on the floor of the Senate as a message from the House no later than May 28 of the first regular session; provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the House has a similar rule.

(c) No Senate local appropriations bill may be filed for introduction in the Senate during the second year of the biennial session unless it is filed for introduction on or before June 16 of the second year of the biennial session.

RULE 41.1. **Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.**--In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of the chairmen or cochairmen of any two of the following committees: Appropriations, Finance, and Ways and Means, any bill reported favorably from the Committee on Appropriations or the Committee on Finance shall be re-referred by the President to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations by the President may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on Human Resources, Appropriations Committee on Education, Appropriations Committee on General Government, Appropriations Committee on Justice and Public Safety, or Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations.

RULE 42. **References of appropriations and finance bills.**--All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate. All bills introduced in the Senate providing for bond issues, levying taxes, or in any manner affecting the taxing

power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

RULE 42.1. **Fiscal notes.**--(a) The chairman or cochairmen or vice-chairman of the Appropriations Committee, of the Finance Committee or of the Rules Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Rules Committee as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the Senate.

(d) A sponsor of a bill or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing his objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 42.2. **Actuarial notes.**--(a) Every bill or resolution proposing any change in the law relative to any State- administered retirement or pension system shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate therefrom, and shall be clearly designated as an actuarial note.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the retirement or pension system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, the chairman of the committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the Senate.

RULE 42.3. **Assessment reports.**--Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing board or a study for the need to establish such a board shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, an assessment report from the Legislative Committee on New Occupational and Professional Licensing Boards, pursuant to Article 18 of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

Upon receipt of the request the Legislative Committee on New Occupational and Professional Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days. A supplementary report shall be prepared and submitted to the requesting Senator not later than 30 days after the receipt of the request.

RULE 42.4. **Content of Appropriations Bills.**--(a) No provision changing existing law shall be contained in any of the following bills:

(1) the Current Operations Appropriations Bill;
(2) the Capital Improvement Appropriations Bill;
(3) any bill generally revising appropriations for the second fiscal year of a biennium.

(b) No amendment to any bill listed in subsection (a) of this rule shall be in order if the language is prohibited by that subsection.

(c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed in subsection (a) of this section or an amendment to such bill may change existing law if the change:

(1) alters expenditures or salaries;
(2) changes the scope or character of a program which must be reduced, increased, or changed because of an increase or decrease of funds appropriated for the program or because of changes in federal law or regulation; or
(3) modifies any function of State government which necessitates a transfer of funds from one department to another; provided, that for a provision to be in order under this subsection, it must be recommended to the General Assembly in a written report adopted by the Appropriations Committee before or at the same time the bill is reported, or if such provision is contained in a floor amendment, the sponsor of the

amendment must present to the Principal Clerk at or before the time the amendment is offered an explanation of the amendment for distribution to each member of the Senate.

RULE 43. **First reading; reference to committee.**--All bills filed, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill and unless otherwise disposed of, the President or Presiding Officer shall announce the referral of the document. The title and referral shall be entered on the Journal.

RULE 44. **Bills to receive three readings.**--Every bill shall receive three readings previous to being passed, and the President shall give notice at each whether it be the first, second, or third. After the first reading, unless a motion is made by some Senator, the President shall refer the bill to an appropriate committee. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 44.1. **Vote required on public bills or resolutions filed after May 21.**--No public bill or resolution filed in either house, during the first year of the regular session after May 21, shall pass either its second or third readings unless voted on affirmatively by two-thirds (2/3) of the membership of the Senate. This subsection shall not apply to a bill or resolution proposing adjournment, an emergency appropriation, continuance and/or expansion of the State budget, or changes in State revenues; proposing or ratifying a constitutional amendment; or calling for a constitutional convention; or to bills authorized for introduction during the reconvened session under the resolution adjourning the session held during the first year of the biennium.

RULE 45. **Reports of committees.**--Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a majority of the committee was present and voted. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. **Action on amendment before re-referral.**--If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the Senate must be referred to the Committee on Appropriations or Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 46. **Unfavorable report by committee.**--(a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of the membership of the Senate.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be "The adoption of the Minority Report." If the minority report is adopted by a majority vote, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. **Recall of bill from committee.**--When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the Senate and delivered in writing to the chairman of the committee, on motion supported

by a vote of two-thirds of the membership of the Senate, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct. This rule shall not be temporarily suspended without one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion two-thirds of the membership of the Senate shall be required.

RULE 48. **Calendar; order to be followed.**--The President and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: Provided, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

RULE 49. **Considering bills out of regular order.**-- Except as provided in Rule 50, any bill or other matter may be taken up out of order upon order of the President or upon motion sustained by a majority of the membership of the Senate.

RULE 50. **Third reading requirements.**--No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

RULE 51. **Special orders.**--Any bill or other matter may be made a special order for a particular day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. **Procedure when necessary number of Senators not present.**--If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

RULE 53. **Effect of defeated bill.**--(a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. Upon the point of order being raised and sustained by the Chair, such measure shall be laid upon the table, and shall not be taken therefrom except by a vote of two-thirds of the qualified membership of the Senate: Provided, no local bill shall be held by the Chair as embodying the provisions, or being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table, and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate.

RULE 54. **Taking bill from table.**--No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the membership of the Senate.

RULE 54.1. **Bill title.**--The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. **Amending titles of bills.**--When a bill is materially modified or the scope of its application extended or decreased, or if the county, or counties, to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. **Corrections of typographical errors in bills.**- -The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on **Rules and Operation of the Senate.**

RULE 57. **Conference committees.**--Whenever the Senate declines or refuses to concur in amendments put by the House to a bill originating in the Senate, or refuses to adopt a substitute adopted by the House for a bill originating in the Senate, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report shall not be amended. Except as herein set out, the rules of the United States House of Representatives shall govern the appointment, conduct, and reports of the conferees.

RULE 57.1 **Amendments and committee substitutes adopted by the House to bills originating in the Senate.**--(a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Presiding Officer may, and upon motion supported by a majority of the Senate present and voting, shall refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure is referred to committee, the committee shall:

i. report the bill with the recommendation either that the Senate concur or that the Senate do not concur; and

ii. advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence.

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the Senate shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

RULE 58. **Certification of passage of bills.**--The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the Senate, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. **Transmittal of bills to House.**--No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the membership of the Senate.

RULE 59.1 **Engrossment.**--Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

VII. Legislative Officers and Employees

RULE 60. **Pages.**--The President of the Senate shall appoint pages. The President, or such person as he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

RULE 61. **Sergeants-at-Arms.**--(a) There shall be 14 positions of Assistant Sergeants-at-Arms to be appointed by the Sergeant-at-Arms who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the President of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. **Principal Clerk's staff.**--The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of his or her office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as he or she shall direct to his or her employees and clerks.

RULE 63. **Committee clerks and secretaries.**--(a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he or she has a committee clerk to serve as his or her secretary.

(c) The selection of said clerk and/or secretary shall be the prerogative of the individual member. Such clerks and secretaries shall file initial applications for employment with the Supervisor of Clerks and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of clerks and secretaries shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the President *Pro Tempore*. The clerks and secretaries shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Supervisor of Clerks as the Committee on Rules and Operation of the Senate shall adopt.

(d) The Supervisor of Clerks and any assistants shall be appointed by the President of the Senate.

RULE 64. **Senate Journal.**--The Principal Clerk shall prepare and be responsible for the Journal. The Committee on Rules and Operation of the Senate shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. **Deputy President** *Pro Tempore*.--The Senate shall elect a Deputy President *Pro Tempore*.

VIII. General Rules

RULE 66. **President to sign papers.**--All acts, addresses and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President or by the President *Pro Tempore* presiding in his absence.

RULE 67. **Admission to the floor of the Senate.**--No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the President shall be admitted to the floor of the Senate during its session. Notwithstanding any other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.

RULE 68. **Privileges of the floor.**--Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the Committee on Rules and Operation of the Senate.

RULE 69. **News media.**--The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. **Absence without leave.**--No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is absent without leave.

RULE 71. **Placing material on Senators' desks.**--Any person other than a member of the Senate desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to, and obtain written approval from the Principal Clerk.

RULE 72. **Assignment of seats; offices.**--(a) The President *Pro Tempore* of the Senate shall assign seats in the Senate Chamber to the members elected. In making such assignments, each member elected to the immediate preceding session of the Senate shall be entitled to the seat occupied by him or to his selection of any other seat vacated. The President *Pro Tempore*, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) Not later than two days after the initial committee assignments become final, the President *Pro Tempore* of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. The office adjacent to any committee room assigned to a principal committee by the President *Pro Tempore* shall be automatically assigned to the chairman of the principal committee. In making such assignments of individual offices, the President *Pro Tempore* shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

RULE 73. **Administrative rules and regulations involving Senate employees.**--All administrative rules, regulations and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operation of the Senate.

RULE 74. **Notice of public hearings.**--Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. **Public hearings, filing of written statements.**--Persons desiring to appear and be heard at a public hearing are encouraged to file with the chairman of

the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. **Voting in joint sessions.**--When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

RULE 77. **Alterations, suspension or rescission of rules.**--(a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two- thirds vote of the membership of the Senate, may temporarily suspend any of these rules.

Sec. 2. This resolution is effective upon its adoption.

ELECTION OF DEPUTY PRESIDENT PRO TEMPORE

Pursuant to Rule 65 of the 1987 Rules of the Senate of the General Assembly of the State of North Carolina establishing the Office of Deputy President *Pro Tempore*, Senator Harrington places in nomination the name Senator Kenneth Claiborne Royall, Jr. for Deputy President *Pro Tempore* of the Senate. Senator Barnes, Senator Swain, and Senator Cobb second the nomination. On motion of Senator Harrington, the nominations are closed, and Senator Kenneth Claiborne Royall, Jr. is elected Deputy President *Pro Tempore* by acclamation.

Being declared duly elected, the President appoints Senator Harrington and Senator Swain to escort the Deputy President *Pro Tempore* to the dais where he receives the following oath of office which is administered by the Honorable Robert B. Jordan III, President of the Senate:

"I, Kenneth C. Royall, Jr., solemnly swear that I will support the Constitution and laws of the United States, so help me, God.

"I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability.

"I solemnly and sincerely swear that I will faithfully discharge my duties as Deputy President *Pro Tempore* of the Senate of the 1987 General Assembly of the State of North Carolina to the best of my skill and ability; so help me God."

Senator Royall is recognized and briefly addresses the membership. (See Appendix)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Parnell:

S.B. 234, a bill to amend the Town of Rennert's Charter to provide for the Mayor to have the same right to vote as members of the Board of Commissioners.

Referred to **Local Government and Regional Affairs II Committee.**

By Senator Basnight:

S.B. 235, a bill to appropriate annually the proceeds from the concessions contract at Jockeys Ridge State Park for replenishment of the sand at Jockeys Ridge.

Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 236, a bill to create a North Carolina Local Government Finance Authority, to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for school facilities, to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for infrastructure improvements, and to create and appropriate funds for the North Carolina Clean Water Loan Subsidy and Grant Program.
Referred to **Economic Growth Committee.**

By Senators Hunt of Moore, Johnson of Cabarrus, Ezzell, and Marvin:

S.B. 237, a bill to make Statewide an act applicable to 26 counties and the municipalities located within those counties, authorizing counties and cities to regulate abandoned junked vehicles for aesthetic purposes.
Referred to **Judiciary II Committee.**

By Senators Tally and Rand:

S.B. 238, a bill to appropriate funds for a Temporary Shelter Care Home in Fayetteville.
Referred to **Appropriations Committee.**

By Senators Taft, Conder, Harris, Hunt of Moore, Marvin, Royall, Sherron, and Warren:

S.B. 239, a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program.
Referred to **Judiciary II Committee.**

By Senators Taft, Conder, Harris, Hunt of Moore, Royall, Sherron, and Warren:

S.B. 240, a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions.
Referred to **Judiciary II Committee.**

By Senators Taft, Hunt of Moore, and Harris:

S.B. 241, a bill to alter the statute of limitations for malpractice actions on behalf of minors.
Referred to **Judiciary II Committee.**

By Senators Taft, Conder, Harris, Hunt of Moore, Marvin, Royall, and Sherron:

S.B. 242, a bill to amend the powers and duties of the Board of Medical Examiners and other health care provider licensing boards.
Referred to **Judiciary II Committee.**

Senators Taft, Conder, Harris, Hunt of Moore, Marvin, Royall, and Sherron:

S.B. 243, a bill to create criminal penalties for certain intentional, willful or wanton actions of health care providers and to limit punitive damages in civil actions.
Referred to **Judiciary II Committee.**

By Senators Taft, Conder, Harris, Hunt of Moore, Royall, and Sherron:

S.B. 244, a bill to require court approval of post-trial attorney's fees.
Referred to **Judiciary II Committee.**

By Senators Taft, Conder, Harris, Hunt of Moore, Royall, and Sherron:

S.B. 245, a bill to promote peer review activities of health care providers and to require risk management programs and hospital privilege procedures in hospitals.
Referred to **Judiciary II Committee.**

By Senators Taft, Conder, Harris, Hunt of Moore, Marvin, Royall, and Sherron:

S.B. 246, a bill to authorize the Commissioner of Insurance to conduct closed claim studies of medical malpractice claims.
Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 131 (Committee Substitute), a bill to revise the penalties for littering, upon third reading.
Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).
The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Staton for the **Economic Growth Committee:**

S.B. 113, a bill to provide a State income tax credit to employers who create jobs in severely distressed counties of the State, with a favorable report.
On motion of Senator Staton, the bill is re-referred to the **Finance Committee.**

EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the 1985 Session of the General Assembly are referred to committee, as follows:

Executive Order Number 39, Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan.
Referred to **State Personnel Committee.**

Executive Order Number 40, Governor's Commission for the Family.
Referred to **Human Resources Committee.**

On motion of Senator Harrington, seconded by Senator Hunt of Moore, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, April 1, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Eric Carson, Minister of Fairmont United Methodist Church, Raleigh, as follows:

"Our Father in heaven, we give Thee thanks for good weather and the lovely promises of spring. We thank Thee for good health, good friends, and all the things we so often take for granted.

"We thank Thee for the keen challenges of this hour, for work to do that demands the best we have and still finds us inadequate.

"Then may we seek Thy help, knowing that in partnership with Thee, in applying Thy will to our problems, there shall be no dull moments and no problems beyond our solution.

"God bless us all and help us to be right and to do right. Hear our prayer for Thy mercy sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Hunt of Durham who is attending a funeral and to Senator Royall who is recruiting industry in New York State, for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee.**

S.B. 161, a bill to authorize the expenditure of public water supply administrative penalty funds to improve water supply systems serving foster homes, with a favorable report, as amended.

On motion of Senator Harris, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 231, a bill to require the Secretary of Human Resources to inspect food and lodging facilities at least four times a year, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee.**

S.B. 193, a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations, with a favorable report, as amended.

By Senator Rauch for the **Finance Committee.**

S.B. 17, a bill to eliminate seasonal privilege licenses, with a favorable report.

H.B. 33, a bill establishing the amount of occupancy tax revenue in Haywood County that may be used for administrative expenses, with a favorable report.

H.B. 34, a bill to change the title "tax supervisor" to"assessor," with a favorable report.

H.B. 87, a bill to require municipal assessors that appraise property to have the same qualifications as county assessors, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, Conder, Daniel, Hipps, Hunt of Moore, Kaplan, Rand, Sands, Seymour, Soles, Staton, Tally, Walker, Ward, and Winner:

S.B. 247, a bill to provide operational funds for the Governor's Schools.
Referred to **Appropriations Committee.**

By Senators Marvin, Conder, Daniel, Hipps, Hunt of Moore, Kaplan, Rand, Sands, Seymour, Soles, Staton, Tally, Walker, Ward, and Winner:

S.B. 248, a bill to appropriate funds for the Parent-to Parent Program.
Referred to **Appropriations Committee.**

By Senators Marvin, Conder, Daniel, Hipps, Hunt of Moore, Kaplan, Rand, Sands, Seymour, Soles, Staton, Tally, Walker, Ward, and Winner:

S.B. 249, a bill to amend the special education hearings process.
Referred to **Education Committee.**

By Senators Marvin, Conder, Daniel, Hipps, Hunt of Moore, Kaplan, Rand, Sands, Seymour, Soles, Staton, Tally, Walker, Ward, and Winner:

S.B. 250, a bill to provide braille, large print, and audio cassette textbooks for handicapped children.
Referred to **Appropriations Committee.**

By Senators Marvin, Conder, Daniel, Hipps, Hunt of Moore, Kaplan, Rand, Sands, Seymour, Soles, Staton, Tally, Walker, Ward, and Winner:

S.B. 251, a bill to allow local boards of education to purchase buses and minibuses for the transportation of children with special needs.
Referred to **Education Committee.**

By Senators Marvin, Conder, Daniel, Hipps, Hunt of Moore, Kaplan, Rand, Sands, Seymour, Soles, Staton, Tally, Walker, Ward, and Winner:

S.B. 252, a bill to provide appropriate textbooks for handicapped children.
Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 253, a bill to clarify the definition of "private club" in G.S. 130A-247.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 254, a bill to amend the law governing sanitation of institutions and day-care facilities.
Referred to **Human Resources Committee.**

By Senators Plyler, Speed, Rand, Conder, and Martin of Pitt:

S.B. 255, a bill to appropriate funds for improving animal disease diagnostic services.
Referred to **Appropriations Committee.**

By Senator Plyler:

S.B. 256, a bill to extend certain deadlines applicable to the North Carolina Hazardous Waste Treatment Commission.
Referred to **Environment Committee.**

By Senator Plyler:

S.B. 257, a bill to modify the procedures for reports by the University of North Carolina on vending facility operations, so as to delete a requirement for quarterly reports, and limit the applicability to institutional trust funds.

Referred to **Higher Education Committee.**

By Senator Plyler:

S.B. 258, a bill concerning the allocation of funds for "Access, North Carolina," an access guide to travel attractions for disabled persons.

Referred to **Transportation Committee.**

By Senators Simpson and Kincaid:

S.B. 259, a bill providing for variances from the Basic Education Program in local school districts.

Referred to **Education Committee.**

RE-REFERRAL

H.B. 71 (Senate Committee Substitute), a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards.

On motion of Senator Guy the Senate Committee Substitute bill is taken from the **Appropriations Committee** and re-referred to the **State Government Committee.**

WITHDRAWAL FROM COMMITTEE

S.B. 187, a bill to amend the Charter of the City of Lexington to change the election system.

On motion of Senator Kaplan the rules are suspended and the bill is taken from the **Election Laws Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 96, a bill to make the evidence of the usage of seat belts inadmissible in criminal or civil proceedings.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Seymour, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-NINTH DAY

SENATE CHAMBER,
Thursday, April 2, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Malcolm D. Kilborn, Minister of Cornith United Church of Christ, Hickory, as follows:

"O God, we pray that Your Spirit may be with all persons who hold public office, and especially, with the members and officers of the General Assembly of the State of North Carolina.

"Being a Senator is both an exhilarating and frustrating place to be, O God. Exhilarating because being a leader is exciting; frustrating because of the energy required to work through the maze of committee work.

"Give each person gathered here today a clearer vision of their role and grant that each may feel ever more deeply the importance of their tasks as they transform the present into the nobler and purer harmony of the future. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the gallery to F. O'Neil Jones, former Senator from Anson County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 23, an act to delete references in the property tax statutes to the obsolete position of list taker. (Ch. 43)

S.B. 29 (Committee Substitute), an act to provide that resolutions of consideration adopted under the annexation laws do not confer any jurisdiction on a municipality as against any other municipality. (Ch. 44)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee**:

S.B. 115, a bill to make English the Official Language of North Carolina, with a favorable report, as amended.

By Senator Martin of Pitt for the **Manufacturing and Labor Committee**:

S.B. 173, a bill to establish the salaries of the Industrial Commission members to be the same as the salaries of the members of the Utilities Commission, with a favorable report.

On motion of Senator Martin of Pitt, the bill, is re-referred to the **Appropriations Committee**.

By Senator Barnes for the **Judiciary I Committee**:

H.B. 289, a bill to make a technical correction relating to accident reporting after an accident involving a common carrier and another vehicle, with a favorable report.

S.B. 216, a bill to amend and clarify statutes contained in Chapter 90 of the General Statutes dealing with the definition of and regulation of cocaine, with a favorable report, as amended.

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 137, a bill to provide that an auction is not an "off-premises sale", with a favorable report.

S.B. 237, a bill to make Statewide an act applicable to 26 counties and the municipalities located within those counties, authorizing counties and cities to regulate abandoned junked vehicles for aesthetic purposes, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Basnight:

S.B. 260, a bill to require General Assembly review and approval of all changes in ceiling changes in the airspace over North Carolina.
Referred to **Judiciary IV Committee**.

By Senators Martin of Pitt and Ezzell:

S.B. 261, a bill to authorize Wilson County to levy a room occupancy and tourism development tax.
Referred to **Local Government and Regional Affairs I Committee**.

By Senators Martin of Pitt, Basnight, Block, Conder, Guy, Harrington, Hunt of Durham, Parnell, Rand, Shaw, Smith, Speed, Taft, and Warren:

S.B. 262, a bill to designate the collard as the official State vegetable.
Referred to **State Government Committee**.

By Senator Smith:

S.B. 263, a bill to provide authority to establish laboratory certification fees.
Referred to **Environment Committee**.

By Senator Johnson of Cabarrus:

S.B. 264, a bill to allow extension of probation without the consent of the defendant.
Referred to **Judiciary I Committee**.

By Senator Johnson of Cabarrus:

S.B. 265, a bill to make G.S. 130A-24(a) consistent with G.S. Chapter 150B, the Administrative Procedure Act.
Referred to **Judiciary I Committee**.

By Senator Johnson of Cabarrus:

S.B. 266, a bill to require a defendant to notify the State of his intention to offer an alibi defense.
Referred to **Judiciary I Committee**.

By Senators Winner and Swain:

S.B. 267, a bill to require the Department of Transportation to set sixty-five miles per hour on certain interstate highways.
Referred to **Transportation Committee**.

By Senators Winner and Swain:

S.B. 268, a bill to appropriate funds to construct a Thomas Wolfe museum and visitor center on State-owned land adjacent to the Thomas Wolfe Memorial.
Referred to **Appropriations Committee.**

By Senator Somers:

S.B. 269, a bill to clarify a secured party's right to take possession of collateral after default.
Referred to **Judiciary III Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 270, a bill to appropriate funds for Gaston College equipment for the Lincoln School of Technology.
Referred to **Appropriations Committee.**

By Senators Marvin, Daniel, Hardison, Tally, Walker, and Ward:

S.B. 271, a bill to appropriate funds for mental health and mental retardation services.
Referred to **Appropriations Committee.**

By Senators Marvin, Daniel, Harris, Tally, Walker, and Ward:

S.B. 272, a bill to appropriate funds for local schools' Willie M. programs.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 229, a bill to provide for an increased State minimum wage if the federal minimum wage increases before June 1, 1989.
Referred to **Manufacturing and Labor Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 33, a bill establishing the amount of occupancy tax revenue in Haywood County that may be used for administrative expenses, upon second reading.
The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 17, a bill to eliminate seasonal privilege licenses, upon second reading.
The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps,

Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 193, a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 231, a bill to require the Secretary of Human Resources to inspect food and lodging facilities at least four times a year.

On motion of Senator Harris, Committee Amendment No. 1 changing the title to read **S.B. 231**, a bill to require the Secretary of Human Resources to inspect restaurants at least four times a year.

The bill, as amended, passes its second reading (electronically recorded).

On motion of Senator Plyler to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 210 (Committee Substitute), a bill to clarify the selection of the Administrator.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 34, a bill to change the title "tax supervisor" to "assessor".

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 87, a bill to require municipal assessors that appraise property to have the same qualifications as county assessors.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Sands, the Senate adjourns to meet tomorrow at 10:00 A.M.

FORTIETH DAY

SENATE CHAMBER,
Friday, April 3, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Gray Southern, Minister of Oriental United Methodist Church, Oriental, as follows:

"Almighty God, our Lord, we thank You for the gifts and strength You have given us. We praise You especially this day for the power You have given us to govern Your creation and ourselves. So guide and uphold us, and these Your servants who govern Your children, that all You have given us, in things material and of the heart, might

be wisely used for Your glory and for the sake of all Your people. This we ask in Your Name, Loving God, that we might have a heart of wisdom and know You as Lord of Lords, Ruler of All. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Kaplan, McDuffie, and Soles for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Durham for the Pensions and Retirement Committee.

S.B. 175, a bill to amend the Fayetteville City Charter regarding the benefits a retired city fireman is entitled to, with a favorable report.

REPORT OF SENATE PENSIONS AND RETIREMENT COMMITTEE ON APPOINTMENT OF MEMBERS TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

The Senate Committee on Pensions and Retirement, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to confirmation by the Senate of the General Assembly, reports as follows:

The Senate Committee on Pensions and Retirement recommends that in compliance with G.S. 135-6 the members of the Senate vote to confirm the appointments by the Governor of Ms. Shirley Ann Hise, Mr. Leo F. Walsh, Jr. and Ms. Donna A. Creech to four-year terms to the Board of Trustees of the Teachers' and State Employees' Retirement System, expiring June 30, 1991.

On motion of Senator Hunt of Durham, the report is placed on the Calendar for Monday, April 6, for confirmation.

By Senator Harrington for the Rules and Operation of the Senate Committee.

S.B. 30, a bill to allow the Legislative Ethics Committee to choose more than one method of disposing of a matter after its inquiry into alleged violations, with a favorable report.

S.B. 157, a bill to establish a commission to study the relationship of the State of North Carolina to the motion picture industry, and to make recommendations to foster an ongoing positive relationship, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the Appropriations Committee.

S.J.R. 178, a joint resolution to continue the work of the Legislative Research Commission's Committee on State Personnel, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the Appropriations Committee.

S.B. 190, a bill further continuing the Mental Health Study Commission, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 34, an act to change the title "tax supervisor" to "assessor". (Ch. 45)

H.B. 87, an act to require municipal assessors that appraise property to have the same qualifications as county assessors. (Ch. 46)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Simpson and Kincaid:

S.B. 273, a bill to change the hours that water skiing and similar activities are prohibited.

Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Basnight and Speed:

S.B. 274, a bill to appropriate funds for expansion of swine research at the Tidewater Research Station.

Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 275, a bill to appropriate funds to the Southeastern Family Violence Center for renovations to a permanent facility.

Referred to **Appropriations Committee.**

By Senator Seymour:

S.B. 276, a bill to provide that the University of North Carolina Center for Public Television is an eligible recipient under the art in State buildings program.

Referred to **State Government Committee.**

By Senators Winner and Martin of Guilford:

S.B. 277, a bill to create a general offense of theft that replaces the current offenses of larceny, embezzlement, conversion, false pretenses, receipt and possession of stolen goods.

Referred to **Judiciary IV Committee.**

By Senator Kincaid:

S.B. 278, a bill to eliminate the requirement that the Town of Granite Falls mail zoning notices.

Referred to **Local Government and Regional Affairs II Committee.**

By Senator Hunt of Moore:

S.B. 279, a bill to appropriate funds to the Department of Human Resources for the purpose of reimbursing hospitals and other health care providers for essential inpatient

and outpatient health and medical services provided to migrant farmworkers and their dependents while in North Carolina.
Referred to **Appropriations Committee.**

By Senators Rauch, Harrington, and Basnight:

S.B. 280, a bill to revise the license fees for hunting, trapping, and fishing.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Rauch, Harris, and Marvin:

S.B. 281, a bill to appropriate funds to employ chaplains and chaplain interns in the Division of Prisons, Department of Correction.
Referred to **Appropriations Committee.**

By Senators Rauch, Harris, and Marvin:

S.B. 282, a bill to appropriate funds for the construction of facilities for the Cleveland County mental health, mental retardation, substance abuse services center.
Referred to **Appropriations Committee.**

By Senators Sherron, Barker, Basnight, Daniel, Ezzell, Goldston, Guy, Hardison, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Plyler, Royall, Smith, Speed, Staton, Taft, Tally, Walker, Ward, Warren, and Winner:

S.B. 283, a bill to appropriate funds for completion of the Raleigh Farmers Market.
Referred to **Agriculture Committee.**

By Senator Barker:

S.B. 284, a bill to clarify the permitting requirements for certain sanitary sewage systems.
Referred to **Human Resources Committee.**

By Senators Hardison and Smith:

S.B. 285, a bill to clarify the North Carolina Regional Reciprocal Banking Act.
Referred to **Commerce Committee.**

By Senators Taft, Ezzell, Hunt of Moore, Kaplan, Rand, Tally, Walker, and Winner:

S.B. 286, a bill providing for the protection of the public from inactive hazardous substance or waste disposal sites and the establishment of the Carolina Clean Drinking Water Fund.
Referred to **Environment Committee.**

By Senators Soles, Swain, Johnson of Wake, Barnes, Hipps, Winner, and Rand:

S.B. 287, a bill to provide for continued compliance with the Voting Rights Act and to improve the administration of justice by providing for the elimination of staggered terms for superior court judicial districts, eliminating the office of special superior court judge, and making conforming changes.
Referred to **Judiciary IV Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 161 (Committee Substitute), a bill to require political committees to be labeled accurately.

Referred to **Election Laws Committee.**

H.B. 236 (Committee Substitute), a bill to provide that electric and telephone membership corporations may indemnify directors, officers, employees, or agents to the same extent as nonprofit corporations.

Referred to **Judiciary I Committee.**

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina.

Referred to **Judiciary III Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of as follows:

S.B. 120, a bill to revise the eligibility requirements for community service parole, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

WITHDRAWAL FROM CALENDAR

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers.

Without objection, on motion of Senator Taft, the bill is taken from the Calendar for Monday, April 6, and recommitted to the **Manufacturing and Labor Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 33, a bill establishing the amount of occupancy tax revenue in Haywood County that may be used for administrative expenses, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren --37.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 17, a bill to eliminate seasonal privilege licenses, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--40.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 115, a bill to make English the Official Language of North Carolina.

On motion of Senator Block, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Martin of Guilford to its third reading, the bill, as amended, remains on the Calendar for Tuesday, April 7, for further consideration.

S.B. 137, a bill to provide that an auction is not an "off-premises sale".

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 216, a bill to amend and clarify statutes contained in Chapter 90 of the General Statutes dealing with the definition of and regulation of cocaine.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

Senator Hipps requests to be recorded voting "aye."

S.B. 237, a bill to make Statewide an act applicable to 26 counties and the municipalities located within those counties, authorizing counties and cities to regulate abandoned junked vehicles for aesthetic purposes.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted which changes the title to read, **S.B. 237**, a bill to make Statewide an act applicable to 32 counties and the municipalities located within those counties, authorizing counties and cities to regulate abandoned junked vehicles for aesthetic purposes.

Senator Sands offers Amendment No. 2 which he subsequently withdraws. The bill, as amended, passes its second reading (electronically recorded).

Senator Parnell objects to the third reading of the bill, as amended.

On motion of Senator Royall, the bill, as amended, remains on the Calendar for Tuesday, April 7, for further consideration.

H.B. 289, a bill to make a technical correction relating to accident reporting after an accident involving a common carrier and another vehicle.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 193, a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 231, a bill to require the Secretary of Human Resources to inspect restaurants at least four times a year, as amended, upon third reading.

Senator Plyler offers Amendment No. 2 which is adopted (electronically recorded) further changing the title to read, **S.B. 231**, a bill to require the Secretary of Human Resources to inspect restaurants at least quarterly.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL ENDORSEMENT

The following Senator requests to be recorded endorsing the following bills previously introduced:

By Senator Smith:

S.B. 198, a bill to appropriate funds for the construction of public libraries and to appropriate additional funds to the Aid to Public Libraries Fund.

On motion of Senator Harrington, seconded by Senator Staton, the Senate adjourns to meet Monday at 7:00 P.M.

FORTY-FIRST DAY

SENATE CHAMBER,
Monday, April 6, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Samuel D. McMillan III, Associate Minister of First United Methodist Church, Roanoke Rapids, as follows:

"O God of Life, we give praise to Thee who offers life to all things, and we rejoice in being part of Thy creation.

"Omnipotent God, grant that these Senators may sense anew Thy majesty and power. May they discover their limits, Everlasting God, even as they become humbled in recognizing the frailties that surround the human condition. O God of Compassion, give to these Senators a keen ear, so that they might be better equipped to hear the cry of Thy people in North Carolina above the roar of special interest concerns.

"Grant to these State leaders, O God of Love, an eagerness to address the needs of the children, youth and adults of North Carolina. O God of Hope, give these Senators a vision of the future that includes ministering to the needs of the people of the State.

"O God of Opportunity, we offer Thee thanks for the responsibilities that are ours. We seek Thy divine guidance in all things and ask a special prayer of blessing for these Senators. Omniscient God, direct these Thy servants, so that their deliberations and decisions might be in the best interest of the people of the State of North Carolina and in accordance with Thy will. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Soles for tonight.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 120, an act to revise the eligibility requirements for community service parole. (Ch. 47)

H.B. 33, an act establishing the amount of occupancy tax revenue in Haywood County that may be used for administrative expenses. (Ch. 48)

H.B. 289, an act to make a technical correction relating to accident reporting after an accident involving a common carrier and another vehicle. (Ch. 49)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris:

S.B. 288, a bill to allow the Secretary of the Department of Human Resources to provide assistance to private nonprofit foundations.
Referred to **Human Resources Committee.**

By Senators Richardson and McDuffie:

S.B. 289, a bill to appropriate funds for the acquisition and restoration of Historic Rosedale in Charlotte.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 290, a bill to amend the Charter of the City of Charlotte relating to the establishment of contract specification requirements.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Hipps and Thomas:

S.B. 291, a bill to appropriate funds for land purchases at the Mountain and Peanut Belt Research Stations.
Referred to **Appropriations Committee.**

By Senators Goldston, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Staton, Taft, Tally, Walker, Ward, Warren, and Winner:

S.B. 292, a bill to create the State Building Commission.
Referred to **Appropriations Committee.**

By Senators Goldston and McDuffie:

S.B. 293, a bill to revise the legal banking holidays.
Referred to **Commerce Committee.**

By Senators Goldston, Hunt of Durham, and Ezzell:

S.B. 294, a bill to raise the level of expenditure on public building projects on which informal competitive bid procedures may be used.
Referred to **State Government Committee.**

By Senators Goldston, Hunt of Durham, and Ezzell:

S.B. 295, a bill to continue the Legislative Study Committee on State-owned property.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Barker, Allran, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Richardson, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Warren, and Winner:

S.B. 296, a bill to amend the subclassification plan to provide that no S.D.I.P. points shall be assessed for driving violations that require the assessment of two driver's license points.
Referred to **Insurance Committee.**

By Senators Basnight, Harrington, and Taft:

S.B. 297, a bill to appropriate funds to implement a new academic development plan for Elizabeth City State University.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 298, a bill to establish in North Carolina public schools the capability to provide distance learning by satellite.
Referred to **Education Committee.**

By Senator Basnight:

S.B. 299, a bill to provide a special migratory waterfowl hunting license and to prescribe the penalty for migratory game bird violations.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Smith:

S.B. 300, a bill to allow both word messages and symbols to be used for pedestrian traffic control signals.
Referred to **Transportation Committee.**

By Senator Smith:

S.B. 301, a bill to delete the requirement that vehicles approaching a flashing yellow light should yield the right of way.
Referred to **Transportation Committee.**

By Senator Smith:

S.B. 302, a bill to change the sign message for exempt crossings.
Referred to **Transportation Committee.**

By Senator Martin of Pitt:

S.J.R. 303, a joint resolution providing that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Barker:

S.B. 304, a bill to increase the maximum tax credit for certain real property donations.
Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 137 (Committee Substitute), a bill to amend the Statutes relating to professional bail bondsmen and runners.
Referred to **Judiciary III Committee.**

H.B. 232, a bill to require training of special registrationcommissioners.
Referred to **Election Laws Committee.**

H.B. 263, a bill to amend the Presidential Preference Primary Act to account for the change in its date.
Referred to **Election Laws Committee.**

H.B. 272, a bill to remove the limitation on the length of streets the Town of Troutman may make improvements on and assess for the cost without petition.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 301, a bill to clarify the corporate limits of the Town of Vandemere in Pamlico County.

Referred to **Local Government and Regional Affairs II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

Report of **Senate Pensions and Retirement Committee** on Appointment of Members to the Board of Trustees of the Teachers' and State Employees' Retirement System, for confirmation.

The **Senate Committee on Pensions and Retirement** report submitted Friday, April 3, is placed before the Senate for consideration. The Senate confirms the appointments of the Governor by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 175, a bill to amend the Fayetteville City Charter regarding the benefits a retired city fireman is entitled to.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 30, a bill to allow the Legislative Ethics Committee to choose more than one method of disposing of a matter after its inquiry into alleged violations.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Sherry Ann Askew, Eure; Phillip Buckbee, Statesville; Jennifer Canter, Greensboro; Deborah Carpenter, Raleigh; Sam Gardner, Raleigh; Tabitha Harrison, Scotland Neck; David Lewis, Dunn; Tonya Lynn Locklear, Pembroke; Jason McMurtry Mills, New Bern; Chad Moore, Raleigh; Bonnie Susan O'Neil, Clayton; Kim Presnell, Asheboro; Gena Salmon, Lillington; Ami Nichole Tadlock, Elizabeth City; Robert Glen Taylor, Merry Hill; Vernon Elliott Turner II, Dudley; Lara Louise Venters, Jacksonville; Nita Lynette Woullard, Fayetteville; and Monica Zink, Raleigh.

On motion of Senator Harrington, seconded by Senator Plyler, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-SECOND DAY

SENATE CHAMBER,
Tuesday, April 7, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Leland F. Smith, Pastor of Holy Innocence Episcopal Church, Henderson, as follows:

"Almighty God, the Father of all mankind, Christians and Jews stand before You with awe and humility at the approach of this most sacred time of year and behold the saving power of Your love for Your creation. This afternoon we lift in prayer these Thy faithful servants actively engaged in the governing of this State. Grant to them integrity of purpose, and unfailing devotion to Thy righteous will in their sincere efforts to make wise decisions on the complicated issues before them. Illumine their minds and quicken their hearts that their legislation may be such as will promote the welfare of all the people of our State; to the aid of the poor, the relief of the oppressed and for the redress of social wrongs. All this we humbly ask in the Name of our Loving God and Father of all. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Ward for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ezzell for the Local Government and Regional Affairs I Committee:

S.B. 182, a bill to increase the maximum fine for violation of ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty, with a favorable report.

S.B. 195, a bill to provide for enforcement of building and other codes by the County of Craven as to property of Craven Community College rather than by cities in that County, with a favorable report.

S.B. 206, a bill to authorize the City of Raleigh to continue certain economic development activities, with a favorable report.

H.B. 19, a bill to allow the Town of Kenansville, the County of Duplin, and the Duplin County Board of Education to lease certain property to the Duplin County Agri-Business Council, Inc., for the purpose of creating agricultural display area and livestock arena, with a favorable report.

H.B. 196, a bill to authorize Wildlife Enforcement Officers to enforce the littering law in McDowell County, with a favorable report.

H.B. 208, a bill to authorize an increase in the informal bid limits relating to the letting of public contracts by the City of Greensboro, with a favorable report.

H.B. 212, a bill to increase the penalty for parking violations that are committed in the Town of Kernersville and are established by relying on the prima facie rule of evidence, with a favorable report.

H.B. 220, a bill to change the date of the nonpartisan Mitchell County Board of Education election from May to November, with a favorable report.

H.B. 223, a bill to allow the Town of Tryon to convey to the Polk County Community Foundation, Inc., certain real estate at private sale, with a favorable report.

H.B. 239, a bill to allow Scotland County to convey a tract of land at private sale to the Scotland County Stadium-Civic Center, Inc., with a favorable report.

H.B. 240, a bill to make permanent the exemption for the Tyrrell County Boards of Education and County Commissioners to enter into certain contracts without complying with Chapter 133 and Article 8 of Chapter 143 of the General Statutes, with a favorable report.

H.B. 253, a bill concerning voluntary satellite annexations by the Town of Kenly, with a favorable report.

H.B. 258, a bill to allow the Town of Wendell to impose water and wastewater capacity charges, with a favorable report.

S.B. 207, a bill to remove certain property from the corporate limits of the City of Raleigh, with a favorable report, as amended.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

S.B. 93, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Iredell County, with a favorable report.

S.B. 123, a bill to provide additional procedures for Caldwell County to increase the size of fire tax districts, with a favorable report.

H.B. 88, a bill to amend the Charter of the City of Greensboro to provide enforcement powers for the fair housing ordinance, with a favorable report.

H.B. 227, a bill to restate the corporate boundaries of the Town of Dublin, with a favorable report.

H.B. 251, a bill to repeal the Fayetteville Boxing and Wrestling Commission, with a favorable report.

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 239, a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program, with a favorable report.

By Senator Plyler for the **Appropriations Committee:**

S.B. 292, a bill to create the State Building Commission, with a favorable report.

By Senator Barnes for the **Judiciary I Committee:**

S.B. 107, a bill to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission, with a favorable report.

S.B. 94, a bill to recodify the laws relating to fraternal benefit societies and fraternal orders, with a favorable report, as amended.

By Senator Richardson for the **Veterans Affairs and Senior Citizens Committee:**

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

S.B. 305, a bill to provide that surrogate contracts are against the public policy of the State and therefore void.
Referred to **Judiciary I Committee.**

By Senators Plyler, Basnight, Conder, Goldston, Hunt of Durham, Kaplan, Rand, Royall, Sherron, and Walker:

S.B. 306, a bill to promote the use of affordable housing and to provide for fair zoning regulation of residential manufactured homes and for taxation of manufactured homes as real property.
Referred to **Judiciary IV Committee.**

By Senators Plyler, Conder, and Smith:

S.B. 307, a bill to appropriate funds to Mission Air for air transportation in medical emergencies.
Referred to **Appropriations Committee.**

By Senators Plyler, Cobb, Rand, and Johnson of Cabarrus:

S.B. 308, a bill to authorize traffic control measures by the Department of Transportation at major events.
Referred to **Transportation Committee.**

By Senator Johnson of Wake:

S.B. 309, a bill to appropriate funds for construction of a center for mentally handicapped children at the Frankie Lemmon School and Developmental Center, Inc.
Referred to **Appropriations Committee.**

By Senator Johnson of Wake:

S.B. 310, a bill to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States.
Referred to **Insurance Committee.**

By Senator Johnson of Wake and Martin of Guilford:

S.B. 311, a bill to clarity the Fair Housing Act.
Referred to **Judiciary II Committee.**

By Senator Conder:

S.B. 312, a bill to establish an Early Educational Program for four-year-olds.
Referred to **Children and Youth Committee.**

By Senator Smith:

S.B. 313, a bill to allow the County of Rowan to convey its interest in the Old Post Office property in Salisbury at private sale.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Johnson of Wake and Martin of Guilford:

S.B. 314, a bill to provide to handicapped persons the protections of the State Fair Housing Act.
Referred to **Judiciary II Committee.**

By Senator Ward:

S.B. 315, a bill to clarify the law regarding payment of costs in Department of Human Resources institutions.
Referred to **Human Resources Committee.**

By Senator Ward:

S.B. 316, a bill to amend the licensure law for mental health, mental retardation, and substance abuse services.
Referred to **Human Resources Committee.**

By Senators Walker, Barker, Barnes, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 317, a bill to authorize the creation of North Carolina capital corporations.
Referred to **Commerce Committee.**

By Senator Staton:

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities.
Referred to **Economic Growth Committee.**

By Senator McDuffie:

S.B. 319, a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 320, a bill authorizing governmental entities to receive refunds of sales and use taxes paid on electrical, natural gas, and intrastate telephone purchases.
Referred to **Finance Committee.**

By Senator McDuffie:

S.B. 321, a bill to authorize warrantless arrests for certain domestic violence offenses.
Referred to **Judiciary III Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 139, a bill to provide that in preparation of the general election ballot, the State Board of Elections may not divide the Appellate Division into more than one ballot, and may not divide the Superior Court into more than one ballot.
Referred to **Election Laws Committee.**

H.B. 286, a bill to amend Chapter 20 of the General Statutes to make passenger capacity of buses consistent with regulation by the Utilities Commission under provisions of Chapter 62 of the General Statutes.
Referred to **Transportation Committee.**

H.B. 368, a bill to extend certain deadlines applicable to the North Carolina Hazardous Waste Treatment Commission.

Referred to **Environment Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 115, a bill to make English the Official Language of North Carolina, as amended, upon third reading.

The bill, as amended, passed its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 237, a bill to make Statewide an act applicable to 32 counties and the municipalities located within those counties, authorizing counties and cities to regulate abandoned junked vehicles for aesthetic purposes, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Kaplan, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-THIRD DAY

SENATE CHAMBER,
Wednesday, April 8, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Edith Gleaves, Minister of Cokesbury United Methodist Church, Raleigh, as follows:

"O Lord God, from Whom all holy desires, all good counsel, and all just works do proceed, Whose glory is in all the world, we pray that You grant to this Senate, assembled here, wisdom and strength to know and do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve the people in reverence of You.

"We also pray for this whole land, that You, O God, rule the hearts of the President of this nation, the Governor of this State, and all others in civil authority. Direct and prosper them in their process of decision-making so that the safety and welfare of all the people will be advanced, and peace and justice may be established.

"This we pray in the Name of the Eternal Source of Wisdom and Peace. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Guy for the **State Government Committee:**

S.B. 276, a bill to provide that the University of North Carolina Center for Public Television is an eligible recipient under the art in State buildings program, with a favorable report.

H.B. 71 (Senate Committee Substitute), a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards, with a favorable report, as amended.

On motion of Senator Guy, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

S.B. 273, a bill to change the hours that water skiing and similar activities are prohibited, with a favorable report.

H.B. 150, a bill to require persons hunting big game to display on their person a minimum amount of hunter orange, with a favorable report.

S.B. 280, a bill to revise the license fees for hunting, trapping, and fishing, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the bill is placed before the Senate for immediate consideration and on her further motion Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

By Senator Goldston for the **Transportation Committee:**

H.B. 168, a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus, with a favorable report.

H.B. 287, a bill regarding the Commissioner of Motor Vehicles' authority to regulate driver training schools, with a favorable report.

By Senator Rauch for the **Finance Committee:**

S.B. 21, a bill to conform the treatment of all income tax credits received by a corporation to the treatment of an income tax credit for property taxes, with a favorable report.

S.B. 162, a bill to provide that receipts from the tax on native wine shall be used to promote the grape industry, with a favorable report, as amended.

S.B. 215, a bill to raise the processing fee for bad checks, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Shaw:

S.B. 322, a bill to permit the allocation of individual income tax refunds to the North Carolina Fund for Children and Families.

Referred to **Finance Committee.**

By Senator Harris:

S.B. 323, a bill to change the effective date of the life care center certificate of need modification law.
Referred to **Human Resources Committee.**

By Senator Johnson of Cabarrus:

S.B. 324, a bill to amend G.S. 130A-80 and G.S. 130A-83 and validating certain actions relating to sanitary districts.
Referred to **Judiciary I Committee.**

By Senators Ward, Barnes, Conder, Hunt of Moore, Martin of Guilford, Marvin, Swain, Tally, Walker, and Warren:

S.B. 325, a bill to appropriate funds to implement the recommendations of the task force on the preparation of teachers.
Referred to **Appropriations Committee.**

By Senators Martin of Pitt, Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Guy, Hardison, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Somers, Speed, Taft, Tally, Thomas, Walker, Ward, and Warren:

S.B. 326, a bill to appropriate funds for export marketing of agricultural products.
Referred to **Appropriations Committee.**

By Senator Marvin:

S.B. 327, a bill to make the child support expedited process conform with federal and State law.
Referred to **Judiciary IV Committee.**

By Senators Rand and Plyler:

S.B. 328, a bill to amend the structural pest control law to provide for civil penalties, applicator training and staggered licensing.
Referred to **Judiciary IV Committee.**

By Senators Seymour, Johnson of Wake, Staton, and Hunt of Moore:

S.B. 329, a bill to repeal the prohibition against offering insurance through credit card facilities and to authorize insurance coverage of credit card indebtedness.
Referred to **Insurance Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 330, a bill to authorize Gaston County to levy a room occupancy tax.
Referred to **Finance Committee.**

By Senator Basnight:

S.B. 331, a bill to appropriate funds for the Wright Brothers Museum expansion project.
Referred to **Appropriations Committee.**

By Senators Cobb and Johnson of Wake:

S.B. 332, a bill to modify the rules for disposition of unclaimed clothing by laundries and dry cleaning establishments.
Referred to **Judiciary II Committee.**

By Senator McDuffie:

S.B. 333, a bill to repeal the mandatory seat belt law after a binding referendum.
Referred to **Election Laws Committee.**

By Senator Shaw:

S.B. 334, a bill to permit the allocation of corporate income tax refunds to the North Carolina Fund for Children and Families.
Referred to **Finance Committee.**

By Senators Thomas, Walker, Martin of Guilford, Richardson, and Rauch:

S.B. 335, a bill to appropriate funds to the North Carolina Symphony as a grant-in-aid increase.
Referred to **Appropriations Committee.**

By Senators Ward and Rauch:

S.B. 336, a bill to appropriate funds to the North Carolina Arts Council to improve State programs in the arts.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 17 (Committee Substitute), a bill to provide taxpayers more notice of the adoption of schedules of value and to clarify the procedure for appeals concerning schedules of value and other property tax matters.
Referred to **Finance Committee.**

H.B. 134 (Committee Substitute), a bill providing for protecting the public from inactive hazardous substance or waste disposal sites.
Referred to **Environment Committee.**

H.B. 198, a bill to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 207, a bill to create specialized registration plates for members of the Coast Guard Auxiliary.
Referred to **Transportation Committee.**

H.B. 305, a bill to authorize Yancey County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

S.B. 11, a bill to clarify procedures for implementing income withholding pursuant to a supporting party's request, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 9.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 123, a bill to provide additional procedures for Caldwell County to increase the size of fire tax districts upon second reading.
The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 206, a bill to authorize the City of Raleigh to continue certain economic development activities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 227, a bill to restate the corporate boundaries of the Town of Dublin, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 253, a bill concerning voluntary satellite annexations by the Town of Kenly, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 258, a bill to allow the Town of Wendell to impose water and wastewater capacity charges, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of

Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 207, a bill to remove certain property from the corporate limits of the City of Raleigh.

Upon motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 93, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Iredell County.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 195, a bill to provide for enforcement of building and other codes by the County of Craven as to property of Craven Community College rather than by cities in that County.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 19, a bill to allow the Town of Kenansville, the County of Duplin, and the Duplin County Board of Education to lease certain property to the Duplin County Agri-Business Council, Inc., for the purpose of creating agricultural display area and livestock arena.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 88, a bill to amend the Charter of the City of Greensboro to provide enforcement powers for the fair housing ordinance.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 196, a bill to authorize Wildlife Enforcement Officers to enforce the littering law in McDowell County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 208, a bill to authorize an increase in the informal bid limits relating to the letting of public contracts by the City of Greensboro.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 212, a bill to increase the penalty for parking violations that are committed in the Town of Kernersville and are established by relying on the *prima facie* rule of evidence.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 220, a bill to change the date of the nonpartisan Mitchell County Board of Education election from May to November.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 223, a bill to allow the Town of Tryon to convey to the Polk County Community Foundation, Inc., certain real estate at private sale.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 239, a bill to allow Scotland County to convey a tract of land at private sale to the Scotland County Stadium-Civic Center, Inc.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 240, a bill to make permanent the exemption for the Tyrrell County Boards of Education and County Commissioners to enter into certain contracts without complying with Chapter 133 and Article 8 of Chapter 143 of the General Statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 251, a bill to repeal the Fayetteville Boxing and Wrestling Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 182, a bill to increase the maximum fine for violation of ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty.

The bill passes its second reading (electronically recorded).

On objection of Senator Sands to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 107, a bill to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission.

The bill passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 239, a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program.

On motion of Senator Taft, consideration of the bill is postponed until Tuesday, April 14.

S.B. 292, a bill to create the State Building Commission.

Senator Simpson offers Amendment No. 1.

Senator Goldston, seconded by Senator Royall, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails. Amendment No. 1 lies upon the table.

Senator Cobb offers a motion that the bill be re-referred to the **State Government Committee**, which motion fails to prevail.

Senator Goldston, seconded by Senator Harris, calls the previous question. The call is sustained.

The bill passes its second reading (electronically recorded).

Senator Cobb objects to the third reading of the bill.

Senator Goldston offers a motion to suspend the rules to allow the bill to remain before the Senate for further consideration upon third reading.

Senator Cobb calls for the "ayes" and "noes."

The Chair announces the call is not sustained.

Senator Cobb rises to a point of order to the number sufficient to sustain the call for the "ayes" and "noes," pursuant to Rule 26.

The Chair rules, "The Constitution says that the call for the 'ayes' and 'noes' shall be made by one person and seconded by ten others. It takes eleven to sustain the call."

The bill passes its third reading and is ordered sent to the House of Representatives.

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War.

The bill passes its second reading (electronically recorded).

On objection of Senator Plyler to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

On motion of Senator Harrington, seconded by Senator Marvin, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-FOURTH DAY

Senate Chamber,
Thursday, April 9, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Bill Lowdermilk, Vice-President of Methodist College, Fayetteville, as follows:

"Our Father, how much simpler life would be if all issues were clearly right or wrong, good or bad. But, as we face our societal problems, we find ourselves with the choice of the lesser of two evils or the better of two goods. Sometimes our choices lead us down a dead-end street even when we had the purist of motives; such as the pesticides that protect our crops but pollute our streams and poison our bodies. We struggle with the need for less dependency on foreign fuel and what to do with our nuclear waste. Therefore, today and every day, we ask Your presence here to help us make wise and sensitive decisions that ten, twenty years from now, those living with the results of our actions can appreciate our having sought Your guidance, used the most gifted minds available to us, and worked for the best solutions for all concerned. Clarity of thought, purity of motive and sensitivity to need call us to the best that we know and can be, and it is in this attitude that we ask Your presence, guidance, and strength in all the sessions of this Body. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson of Cabarrus, who is practicing law in court, and to Senator Seymour, who is attending the Change of Charge Ceremony for her son, Commander Hubert E. Seymour III, at Cecil Field, Jacksonville, Florida, for today.

The President extends courtesies of the gallery to Edda Schiepdack, Deputy to the State Parliament of Lower Saxony, West Germany.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee.**

S.B. 129, a bill to provide for pioneer testing of funding policy proposals for mental health, mental retardation, and substance abuse, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee.**

S.B. 230, a bill to authorize the Commission for Health Services to adopt rules governing the sanitation of fish markets, and to make other conforming changes in Article 8, Chapter 130A of the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 230** (Committee Substitute), a bill to authorize the Commission for Health Services to adopt rules governing the sanitation of retail seafood businesses, and to make other conforming changes in Article 8, of G.S. Chapter 130A, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Monday, April 13, for further consideration.

By Senator Warren for the **Education Committee.**

S.B. 184, a bill to direct the public schools to refer students who drop out of the public schools to appropriate services, with a favorable report.

S.B. 185, a bill to address the literacy problem in North Carolina with the goal of a substantial reduction in illiteracy rate by the year 2000, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Appropriations Committee.**

By Senator Rauch for the **Finance Committee.**

S.B. 221, a bill to increase the interest rate applicable to *In Rem* property tax foreclosures and to permit a taxing unit to collect administrative costs incurred in these foreclosures, with a favorable report.

CONFIRMATION OF APPOINTMENT

Senator Taft, Chairman of the **State Personnel Committee,** submits the following report:

In compliance with the provisions of G.S. 126-2(c) that nominees to fill positions on the State Personnel Commission shall be subject to confirmation by the General Assembly, Governor Martin has submitted for confirmation by the General Assembly the following name:

Garland S. Edwards of Rockingham County
to fill a vacancy until June 30, 1987

The Senate **State Personnel Committee** has considered the nominee and makes the following recommendation:

That the nomination of Garland S. Edwards as a member of the State Personnel Commission be confirmed.

The Senate confirms the appointment of the Governor by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 8, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to General Statutes 126-2(c), the House of Representatives has confirmed the nomination of Garland S. Edwards of Rockingham County as a member of the State Personnel Commission.

Respectfully,
s/Grace A. Collins
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Winner:

S.B. 337, a bill to provide a procedure for filing certification when no inheritance tax return is required.
Referred to **Finance Committee.**

By Senators Ezzell and Harrington:

S.B. 338, a bill to authorize Halifax County to levy a room occupancy and tourism development tax.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Hunt of Moore and Walker:

S.B. 339, a bill to appropriate funds to the Moore County Children's Center for a new developmental day care facility.
Referred to **Appropriations Committee.**

By Senators Warren, Barnes, Basnight, Block, Bryan, Ezzell, Martin of Pitt, Parnell, Plyler, Shaw, Sherron, Soles, Speed, and Taft:

S.B. 340, a bill to appropriate funds for construction of storage facilities at research stations of the Department of Agriculture.
Referred to **Appropriations Committee.**

By Senators Hardison, Harris, and Guy:

S.B. 341, a bill to remove the sunset and permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways.
Referred to **Human Resources Committee.**

By Senator Harrington:

S.B. 342, a bill to appropriate funds for a summer enrichment program in Bertie County.
Referred to **Appropriations Committee.**

By Senators Marvin and Hunt of Moore:

S.B. 343, a bill to provide that a business shall make available information needed to locate an absent parent for the purpose of collecting child support.
Referred to **Judiciary IV Committee.**

By Senator Harris:

S.B. 344, a bill to authorize the discharge of clients who escape or breach the condition of release.
Referred to **Human Resources Committee.**

By Senators Harris and Smith:

S.B. 345, a bill to clarify the emergency medical technician certification process for out-of-state applicants.
Referred to **Human Resources Committee.**

By Senators Martin of Guilford, Conder, Winner, Walker, and Rand:

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition.
Referred to **Election Laws Committee.**

By Senators Martin of Guilford, Cobb, Conder, Rand, Richardson, Thomas, and Winner:

S.B. 347, a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times.
Referred to **Election Laws Committee.**

By Senators Martin of Guilford, Cobb, Conder, Rand, Richardson, Thomas, Walker, and Winner:

S.B. 348, a bill to permit voters to report changes of address within the county by postcard.
Referred to **Election Laws Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 19, an act to allow the Town of Kenansville, the County of Duplin, and the Duplin County Board of Education to lease certain property to the Duplin County Agri-Business Council, Inc., for the purpose of creating agricultural display area and livestock arena. (Ch. 50)

H.B. 88, an act to amend the Charter of the City of Greensboro to provide enforcement powers for the fair housing ordinance. (Ch. 51)

H.B. 196, an act to authorize Wildlife Enforcement Officers to enforce the littering law in McDowell County. (Ch. 52)

H.B. 208, an act to authorize an increase in the informal bid limits relating to the letting of public contracts by the City of Greensboro. (Ch. 53)

H.B. 212, an act to increase the penalty for parking violations that are committed in the Town of Kernersville and are established by relying on the *prima facie* rule of evidence. (Ch. 54)

H.B. 220, an act to change the date of the nonpartisan Mitchell County Board of Education election from May to November. (Ch. 55)

H.B. 223, an act to allow the Town of Tryon to convey to the Polk County Community Foundation, Inc., certain real estate at private sale. (Ch. 56)

H.B. 239, an act to allow Scotland County to convey a tract of land at private sale to the Scotland County Stadium-Civic Center, Inc. (Ch. 57)

H.B. 240, an act to make permanent the exemption for the Tyrrell County Boards of Education and County Commissioners to enter into certain contracts without complying with Chapter 133 and Article 8 of Chapter 143 of the General Statutes. (Ch. 58)

H.B. 251, an act to repeal the Fayetteville Boxing and Wrestling Commission. (Ch. 59)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 123, a bill to provide additional procedures for Caldwell County to increase the size of fire tax districts, upon third reading.

Senator Hunt of Moore offers Amendment No. 1, held to be material, changing the title to read, **S.B. 123**, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts, which is adopted (electronically recorded), constituting the first reading of the bill, as amended.

The bill, as amended, is placed on the Calendar for Friday, April 10, upon second reading.

S.B. 206, a bill to authorize the City of Raleigh to continue certain economic development activities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 227, a bill to restate the corporate boundaries of the Town of Dublin, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 253, a bill concerning voluntary satellite annexations by the Town of Kenly, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 258, a bill to allow the Town of Wendell to impose water and wastewater capacity charges, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 182, a bill to increase the maximum fine for violation of ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty, upon third reading.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Judiciary I Committee**.

S.B. 21, a bill to conform the treatment of all income tax credits received by a corporation to the treatment of an income tax credit for property taxes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains upon the Calendar for tomorrow for further consideration upon third reading.

S.B. 162, a bill to provide that receipts from the tax on native wine shall be used to promote the grape industry.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted, changing the title to read, **S.B. 162**, a bill to provide that receipts from the tax on wine manufactured in North Carolina shall be used to promote the grape industry.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 215, a bill to raise the processing fee for bad checks.

On motion of Senator Hunt of Durham, Committee Amendment No. 1 is adopted.

Senator Cobb moves that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails (electronically recorded).

Committee Amendment No. 1 fails of adoption (electronically recorded).

The bill passes its second reading (electronically recorded).

On objection of Senator Thomas to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 273, a bill to change the hours that water skiing and similar activities are prohibited.

The bill passes its second reading (electronically recorded)

Senator Simpson objects to the third reading of the bill.

Without objection, on motion of Senator Rauch, the bill is placed on the Calendar for Wednesday, April 15, upon third reading.

S.B. 276, a bill to provide that the University of North Carolina Center for Public Television is an eligible recipient under the art in State buildings program.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 150, a bill to require persons hunting big game to display on their person a minimum amount of hunter orange.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 168, a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus.

On motion of Senator Soles, the bill is re-referred to the **Judiciary IV Committee.**

H.B. 287, a bill regarding the Commissioner of Motor Vehicles' authority to regulate driver training schools.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 107, a bill to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War, upon third reading.

On motion of Senator Richardson, consideration of the bill is postponed until Thursday, April 16.

S.B. 11, a bill to clarify procedures for implementing income withholding pursuant to a supporting party's request, for concurrence in House Amendment No. 1.

On motion of Senator Marvin, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Swain, the Senate adjourns to meet tomorrow at 9:00 A.M.

FORTY-FIFTH DAY

SENATE CHAMBER,
Friday, April 10, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Everett France, Associate Minister of First United Methodist Church, Cary, as follows:

"O Holy and Universal God, of Whom we call upon by as many names as there are divers understanding and customs within our human community, we humbly ask that Your presence be experienced in this elected Body that represents the citizens of North Carolina. Bring to its members the courage to stand for that which is right and honorable in the affairs of men and women, that in so doing they will be able to insure that

the rights and privileges of all citizens in this great State will in no way be compromised.

"Keep alive in each member the precious act of unselfish service as the highest mark of human achievement in a world wrought with self-serving attitudes and actions, and bring to this august Body a dedication to a sense of urgency in it's deliberations that it's work might be done expediently.

"Guide, protect, and bless each who serve herein and by Thy Holy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Kaplan, Hipps, and Seymour; to Senator Block, attending the Azalea Festival; and to Senator Richardson, who is a member of the Charlotte Welcoming Committee for the General Assembly.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 11, an act to clarify procedures for implementing income withholding pursuant to a supporting party's request. (Ch. 60)

S.B. 68, an act to change the Senate membership of the Committee on Employee Hospital and Medical Benefits. (Ch. 61)

S.B. 77, an act to amend Chapter 557 of the 1985 Session Laws relating to Winston-Salem uptown development projects. (Ch. 62)

S.B. 171, an act to allow the Town Manager of Apex to appoint the Town Clerk. (Ch. 63)

S.B. 187, an act to amend the Charter of the City of Lexington to change the election system. (Ch. 64)

S.B. 210 (Committee Substitute), an act to clarify the selection of the Administrator. (Ch. 65)

H.B. 227, an act to restate the corporate boundaries of the Town of Dublin. (Ch. 66)

H.B. 253, an act concerning voluntary satellite annexations by the Town of Kenly. (Ch. 67)

H.B. 258, an act to allow the Town of Wendell to impose water and wastewater capacity charges. (Ch. 68)

H.B. 287, an act regarding the Commissioner of Motor Vehicles' authority to regulate driver training schools. (Ch. 69)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee.**

S.B. 227, a bill to make the Shad Boat the official State boat, with a favorable report.

S.B. 295, a bill to continue the Legislative Study Committee on State-owned property, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.J.R. 303, a joint resolution providing that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro, with a favorable report.

By Senator Johnson of Wake for the **Judiciary II Committee.**

S.B. 332, a bill to modify the rules for disposition of unclaimed clothing by laundries and dry cleaning establishments, with a favorable report.

S.B. 202, a bill to require a judicial official to state the reason(s) for requiring a secured bail bond as a condition of pretrial release, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill which changes the title to read, **S.B. 202** (Committee Substitute), a bill authorizing the Senior Resident Superior Court Judge to require judicial officials to state the reasons for requiring a secured bail bond as a condition of pretrial release, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, April 14.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas, Hipps, and Marvin:

S.B. 349, a bill to appropriate funds for the Brevard Music Center.
Referred to **Appropriations Committee.**

By Senator Cobb:

S.B. 350, a bill to establish a time frame for filing appeals of administrative penalty assessments.
Referred to **Judiciary II Committee.**

By Senator Cobb:

S.B. 351, a bill to provide for the defense of local health department sanitarians enforcing state public health rules.
Referred to **Human Resources Committee.**

By Senator Cobb:

S.B. 352, a bill to provide for service of parking violation citations.
Referred to **Judiciary II Committee.**

By Senators Swain and Winner:

S.B. 353, a bill to appropriate funds for the construction of Pack Place.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 354, a bill to appropriate funds to the Town of Weaverville for completions of renovations at Lake Louise.
Referred to **Appropriations Committee.**

By Senators Ward, Hunt of Moore, and Martin of Guilford:

S.B. 355, a bill concerning intensive remedial summer school programs and related transportation in the local school administrative units.
Referred to **Education Committee.**

By Senator Sherron:

S.B. 356, a bill to provide incentive pay for State Employees for gains in economy and efficiency in the rendering of governmental services.
Referred to **State Personnel Committee.**

By Senator Sherron:

S.J.R. 357, a joint resolution authorizing the Legislative Research Commission to study the feasibility of a Wellness Program for State Employees, including a physical fitness facility.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Marvin:

S.B. 358, a bill clarifying that unemployment compensation benefits may be administratively withheld in IV-D child support cases.
Referred to **Judiciary IV Committee.**

By Senators Tally, Parnell, Walker, Hipps, and Hunt of Moore:

S.B. 359, a bill authorizing the Legislative Research Commission to study the management of low-level radioactive waste and appropriating funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Tally, Marvin, Ward, Conder, and Hunt of Moore:

S.J.R. 360, a joint resolution to authorize the Legislative Research Commission to study day care.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Allran and Bryan:

S.B. 361, a bill to appropriate funds to continue restoration and site development of the Murray's Hill complex and the Historic Bunker Hill Covered Bridge, both located in Catawba County.
Referred to **Appropriations Committee.**

By Senators Speed, Basnight, Guy, Hardison, Hunt of Moore, and Parnell:

S.J.R. 362, a joint resolution authorizing the Legislative Research Commission to study the management of solid waste in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Speed, Basnight, Block, Bryan, Guy, Harrington, Hipps, Martin of Pitt, Parnell, Shaw, Sherron, Soles, Thomas, and Warren:

S.B. 363, a bill to appropriate funds for improving the public information and agricultural awards programs of the Department of Agriculture.
Referred to **Agriculture Committee.**

By Senators Speed, Basnight, Block, Bryan, Guy, Harrington, Hipps, Martin of Pitt, Parnell, Shaw, Sherron, Soles, Thomas, and Warren:

S.B. 364, a bill to appropriate funds for domestic marketing of agricultural products.
Referred to **Agriculture Committee.**

By Senators Sherron, Barker, Barnes, Hunt of Moore, Johnson of Wake, Kaplan, Marvin, Plyler, Rand, Royall, Soles, Staton, Taft, Tally, Ward, and Warren:

S.B. 365, a bill to appropriate funds to the North Carolina Council of Women's Organizations, Inc., for the North Carolina Women's Resource Center.
Referred to **Appropriations Committee.**

By Senators Martin of Pitt and Taft:

S.B. 366, a bill to authorize Pitt County to levy a room occupancy and tourism development tax.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Marvin, Barnes, Basnight, Conder, Harrington, Kaplan, Martin of Pitt, Parnell, Plyler, Tally, Walker, and Ward:

S.B. 367, a bill to strengthen the standards regarding removal of children from their homes and to make other changes in the Juvenile Code.
Referred to **Children and Youth Committee.**

By Senators Goldston and Hunt of Moore:

S.B. 368, a bill to appropriate funds to the Department of Commerce for advertising and tourism promotion grants.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 369, a bill to allow for a system of differentiated pay for certified public school employees in selected local school districts.
Referred to **Education Committee.**

By Senator Ezzell:

S.B. 370, a bill to amend certain rules of civil procedure.
Referred to **Judiciary I Committee.**

By Senators Plyler, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 371, a bill to establish a substance abuse program for inmates and to establish a substance abuse advisory council.
Referred to **Judiciary IV Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of as follows:

H.B. 129, a bill to be clarify the provisions of G.S. 31-42 relating to the devolution of a devise or legacy to individuals or members of a class predeceasing the testator as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

H.B. 130, a bill to make technical amendments to the power of Attorney Statutes as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

EXECUTIVE ORDER

Executive Orders received following adjournment *sine die* of the 1985 Session of the General Assembly are referred to committee, as follows:

Executive Order Number 43, North Carolina Emergency Response Commission.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 123, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, April 13, for further consideration upon third reading.

S.B. 21, a bill to conform the treatment of all income tax credits received by a corporation to the treatment of an income tax credit for property taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 221, a bill to increase the interest rate applicable to *In Rem* property tax foreclosures and to permit a taxing unit to collect administrative costs incurred in these foreclosures, upon second reading.

On motion of Senator Winner, consideration of the bill is postponed (electronically recorded) until Wednesday, April 15.

S.B. 184, a bill to direct the public schools to refer students who drop out of the public schools to appropriate services.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 215, a bill to raise the processing fee for bad checks, upon third reading.

Senator Thomas offers Amendment No. 2.

Senator Johnson of Wake rises to a point of order as to Amendment No. 2, pending, being germane to the bill.

The Chair takes the point of order under advisement.

On motion of Senator Thomas, further consideration of the bill, with Amendment No. 2 pending, is postponed until Monday, April 13.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 292, a bill to create the State Building Commission for concurrence in House Amendment No. 1., which is placed on the Calendar for Monday, April 13.

RE-REFERRAL

S.B. 263, a bill to provide authority to establish laboratory certification fees.

Without objection, on motion of Senator Winner, the bill is taken from the **Environment Committee** and is re-referred to the **Finance Committee.**

On motion of Senator Harrington, seconded by Senator Rauch, the Senate adjourns (electronically recorded) to meet Monday at 7:00 P.M.

FORTY-SIXTH DAY

SENATE CHAMBER,
Monday, April 13, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Rufus H. Stark II, Executive Director of the Methodist Home for Children, Raleigh, as follows:

"Gracious God, we gather in this Chamber on the Monday of a week that most of the citizens of our State regard as holy. We remember slave people long ago who, through faith in You and the leadership of Moses, were led to freedom from bondage. Several hundred years later, we remember how Jesus of Nazareth, through unity with You, proclaimed that Your love is for every human being. Through His life and death, He led us all to a new life of liberty as we learn to see the worth of every human being.

"We thank You for these memories and pray that we may all learn the lesson of this liberty.

"Bless now, O Lord, the Senate of the State of North Carolina, that these persons chosen to lead may take actions which express Your freedom to all the people. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Block, Kaplan, Rauch, and Winner, who are observing a religious holiday, and to Senators Richardson and Taft, for tonight.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ezzell and Seymour:

S.B. 372, a bill to limit the liability of a trustee, officer, or member of a nonprofit corporation.

Referred to **Judiciary I Committee.**

By Senator Sherron:

S.B. 373, a bill to provide funds to increase the staff at North Carolina Aquariums.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 374, a bill to authorize the Council of the City of Albemarle to sell and convey to Challenger Electrical Equipment Corporation the interest of the City of Albemarle in a 12.69 acre parcel of land, with improvements thereon, located in Harris Township, Stanly County, North Carolina.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Conder and Plyler:

S.B. 375, a bill to require owners and operators and their parent corporations to be responsible for costs and liabilities arising from the operation of hazardous waste facilities.
Referred to **Judiciary II Committee.**

By Senator Guy:

S.B. 376, a bill to appropriate funds to the Onslow Coordinating Council on Aging, Inc., an organization which promotes and improves the well-being of older adults.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 377, a bill to appropriate funds for the Onslow Peers Program.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 378, a bill to appropriate funds to the Sand Castle Children's Home, Inc., for development and expansion of its services.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 379, a bill to appropriate funds to Onslow County for operating expenses of the Onslow County Museum.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 380, a bill to appropriate funds to the Eastern Area Sickle Cell Association, Inc., for operating expenses.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 381, a bill to appropriate funds for operating expenses of the Onslow County Arts Council.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 382, a bill to appropriate funds to the Onslow Hospice, Inc., an organization the helps terminally ill patients, for operating expenses.
Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 383, a bill to appropriate funds to the Onslow Women's Center for operating expenses.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 384, a bill to repeal the Charter of the inactive Town of Gold Point.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Barker and Basnight:

S.B. 385, a bill to appropriate funds to establish and operate a hatchery for clams, oysters, and other marine fisheries.
Referred to **Appropriations Committee.**

By Senator Marvin:

S.B. 386, a bill to establish a Commission on Child Support.
Referred to **Children and Youth Committee.**

By Senators Allran and Bryan:

S.B. 387, a bill concerning voluntary satellite annexations by the City of Hickory.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Rand, Barker, Barnes, Basnight, Conder, Goldston, Guy, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Sands, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren:

S.B. 388, a bill to appropriate funds for preschool screening/evaluation programs.
Referred to **Education Committee.**

By Senators Speed, Conder, Guy, Harris, Martin of Guilford, Parnell, and Rauch:

S.B. 389, a bill to authorize the regulation of the operation of wells by bringing the operation of wells within the purview of the Well Construction Act.
Referred to **Environment Committee.**

By Senator Speed:

S.B. 390, a bill authorizing the Wake Forest Board of Commissioners to sell property at private sale.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Walker, Barker, Barnes, Basnight, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Royall, Sands, Sherron, Smith, Speed, Staton, Tally, Thomas, Ward, Warren, and Winner:

S.B. 391, a bill to encourage welfare recipients to work and to foster family integrity.
Referred to **Human Resources Committee.**

By Senators Walker, Barker, Plyler, and Tally:

S.B. 392, a bill to appropriate funds to train public health nurse supervisors, staff, and community health aids.
Referred to **Appropriations Committee.**

By Senator Harris:

S.B. 393, a bill to provide for return of clients to 24-hour facilities.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 186, a bill to provide for short-term commitments of juveniles to local approved facilities.
Referred to **Judiciary III Committee.**

H.B. 187, a bill to provide temporary secure custody for juveniles charged with certain misdemeanors.
Referred to **Judiciary III Committee.**

H.B. 283, a bill authorizing the establishment of veterans cemeteries.
Referred to **Veterans Affairs and Senior Citizens Committee.**

H.B. 290, a bill to provide for issuance of personalized registration plates for commercial vehicles.
Referred to **Transportation Committee.**

H.B. 336, a bill to authorize the City of Shelby to purchase natural gas by using informal bid procedures.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 345, a bill to authorize Wildlife Enforcement Officers to enforce the littering law in Brunswick County
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 366, a bill to allow digging of ditches in Bladen County below a certain level for storm or drainage sewer lines.
Referred to **Local Government and Regional Affairs I Committee.**

S.B. 55, a bill to limit interrogatories to 50 without prior court approval, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow, April 14.

H.B. 131, a bill to repeal certain inconsistent statutes and to clarify other statutes regarding the testimony of witnesses to prove the proper execution of an attested will as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

H.B. 296, a bill to change the distribution of the net profits from the Madison and the Reidsville ABC Stores.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 356, a bill to amend the escheat and abandoned property laws of North Carolina, to ease compliance with its provisions.
Referred to **State Government Committee.**

CALENDAR

The following bill, carried forward as unfinished business from the Calendar of Friday, April 10, is taken up and disposed of:

H.B. 150, a bill to require persons hunting big game to display on their person a minimum amount of hunter orange, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

Bills and resolutions on the Calendar for tonight are taken up and disposed of as follows:

S.B. 123, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, and Warren--41.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 227, a bill to make the Shad Boat the official State boat.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 230 (Committee Substitute), a bill to authorize the Commission for Health Services to adopt rules governing the sanitation of retail seafood businesses, and to make other conforming changes in Article 8 of G.S. Chapter 130A.

On motion of Senator Harris, the Committee Substitute bill is recommitted to the **Human Resources Committee.**

S.J.R. 303, a joint resolution providing that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives, by special messenger.

S.B. 332, a bill to modify the rules for disposition of unclaimed clothing by laundries and dry cleaning establishments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 215, a bill to raise the processing fee for bad checks, upon third reading, with Amendment No. 2 pending.

Without objection, the Chair orders the bill, with Amendment No. 2 pending, placed on the Calendar for tomorrow, April 14.

S.B. 292, a bill to create the State Building Commission, for concurrence in House Amendment No. 1.

On motion of Senator Goldston, the Senate concurs (electronically recorded) in House Amendment No. 1, and the bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Timothy Wayne Bailey, Eden; Philip Berger, Eden; Julia Blue, Gastonia; Michelle Bryan, Ocracoke; John Byrum, Cary; Gwendolyn Darlene Dorsey, Elm City; William Diel, Charlotte; Catherine Renee Ely, Ocracoke; Kimberly Fulcher, Ocracoke; Sheila Gunnells, Harrellsville; Elizabeth Dawn Holleman, Rocky Mount; Jeff Arden Howle,

Eden; Michael Andrew Jackson, Roanoke Rapids; James Matthew Jernigan, Tabor City; Rebecca Evans Layton, Gastonia; John Patrick McDuffie, Charlotte; Catherine Elizabeth Scoggins, Raleigh; Mary Gwendolyn Smith, Goldsboro; Jeffrey T. Stratford, Charlotte; James Taylor, Eden; Wayne Ray Tuggle II, Eden; Kelly Anne Upchurch, Buies Creek; David Cox Williford, Tabor City; Deanne Woody, Roxboro; Erica Zink, Raleigh.

On motion of Senator Harrington, seconded by Senator Harris, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, April 14, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, we recall the protection which You gave to Your Hebrew children on that first Passover, and we pray that during this Passover, that You will give to all of us the protection of Your guardian angels that we may be protected from all evil, delivered from bondage to sin, and led into covenant with Thee.

"Almighty God, we also recall that on this day in Holy Week that Jesus of Nazareth accused the religious and political leaders of His day of not being faithful to their responsibilities and of killing the prophets whom You had sent. We confess that in the events of 'Irangate' and of the 'Pearlygate' that once again the political and religious leaders have not been found faithful to their sacred trust.

"Grant us a revival of integrity among the religious and political leaders of our land. Inspire all preachers, priests, and politicians to be faithful stewards of that which You have entrusted to them, and grant that we may welcome and not silence the voice of Your prophets in both the religious and the political arena.

"All this we ask in the Name of the God who protects us all, Who calls each of us to a life of integrity, and Who commissions us one an all to be His spokespersons in this arena. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Block, Kaplan, Rauch, and Richardson for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee.**

S.B. 327, a bill to make the child support expedited process conform with federal and State law, with a favorable report.

S.B. 328, a bill to amend the structural pest control law to provide for civil penalties, applicator training and staggered licensing, with a favorable report.

S.B. 196, a bill to require advertisements of textile products to disclose whether the products are imported or made in America, with a favorable report, as amended.

H.B. 77, a bill to provide an alternate procedure for cancellation of a deed of trust, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Thursday, April 16 for further consideration.

By Senator Staton for the **Economic Growth Committee.**

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, with a favorable report.

On motion of Senator Staton, the bill is re-referred to the **Finance Committee.**

By Senator Barnes for the **Judiciary I Committee.**

H.B. 236 (Committee Substitute), a bill to provide that electric and telephone membership corporations may indemnify directors, officers, employees, or agents to the same extent as nonprofit corporations, with a favorable report, as amended.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee.**

S.B. 234, a bill to amend the Town of Rennert's Charter to provide for the Mayor to have the same right to vote as members of the Board of Commissioners, with a favorable report.

H.B. 272, a bill to remove the limitation on the length of streets the Town of Troutman may make improvements on and assess for the cost without petition, with a favorable report.

H.B. 301, a bill to clarify the corporate limits of the Town of Vandemere in Pamlico County, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Martin of Pitt:

S.B. 394, a bill to provide for specialized plates for Pearl Harbor survivors.
Referred to **Transportation Committee.**

By Senator Martin of Pitt:

S.B. 395, a bill creating a Veterans Cemetery Study Commission and appropriating funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Allran, Barker, Basnight, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, and Warren:

S.B. 396, a bill to name "milk" as the State beverage of North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Goldston and Smith:

S.B. 397, a bill to provide for driveway permit processes.
Referred to **Transportation Committee.**

By Senators Martin of Pitt and Ezzell:

S.B. 398, a bill to appropriate funds for operating expenses of the Diversified Opportunities, Inc., an organization that provides rehabilitation services to the people in Wilson and surrounding areas.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 399, a bill to allow the County of Durham to adopt and comply with minimum minority and/or women's business enterprise requirements.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Martin of Pitt:

S.B. 400, a bill to provide for an amendment to the Employment Security Law.
Referred to **State Government Committee.**

By Senators Goldston, Royall, and Smith:

S.B. 401, a bill to authorize the Department of Transportation to participate in engineering and construction contracts with private developers for proposed state highways.
Referred to **Transportation Committee.**

By Senator Basnight:

S.B. 402, a bill to authorize the Department of Transportation to negotiate contracts with utility companies.
Referred to **Transportation Committee.**

By Senator Ezzell:

S.B. 403, a bill to provide for the cancellation of a money judgment by the Clerk of Court upon full payment by the debtor as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

By Senator Ezzell:

S.B. 404, a bill to provide that a deed shall contain a recitation of the grantor's source of title as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

By Senators Tally, Marvin, Rand, Sherron, Walker, and Ward:

S.B. 405, a bill to exempt county-owned vehicles used primarily for transportation of clients of local health departments, county departments of social services or area

mental health, mental retardation, and substance abuse authorities from the requirement that they be marked.
Referred to **Transportation Committee.**

By Senators Tally and Rand:

S.B. 406, a bill authorizing the appointment of a Special Board of Equalization and Review for Cumberland County.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Warren:

S.B. 407, a bill to allow Sampson County and municipalities located therein to engage in economic development activities.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators McDuffie and Cobb:

S.B. 408, a bill to annex certain property into the City of Charlotte and to ratify certain actions of the City of Charlotte.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Marvin, Conder, Hardison, Hunt of Moore, Plyler, Tally, Walker, and Ward:

S.B. 409, a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law.
Referred to **Judiciary IV Committee.**

ADDITIONAL ENDORSEMENTS

The following Senator requests to be recorded endorsing bills previously introduced.

By Senator Barker:

S.B. 217, a bill to promote economic development by authorizing tax credits for certain business investments.

S.B. 223, a bill to appropriate funds to finance the removal of hazardous substances, including poisons, corrosives, flammables, and explosives, from the schools of this State.

S.B. 226, a bill to establish the Underground Storage Tank Remedial Action Fund.

S.B. 227, a bill to make the Shad Boat the official State boat.

S.B. 228, a bill to establish a Statewide AIDS Prevention and Education Program.

S.J.R. 357, a joint resolution authorizing the Legislative Research Commission to study the feasibility of a Wellness Program for State Employees, including a physical fitness facility.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 202 (Committee Substitute), a bill authorizing the Senior Resident Superior Court Judge to require a judicial official to state the reasons for requiring a secured bail bond as a condition of pretrial release.
The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration, upon third reading.

S.B. 239, a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

Senator Ezzell offers Amendment No. 2. After lengthy debate, Senator Ezzell calls the previous question, seconded by Senator Harris. The call is sustained. Amendment No. 2 fails of adoption (electronically recorded).

Senator Martin of Guilford offers Amendment No. 3 which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 215, a bill to raise the processing fee for bad checks, upon third reading with Amendment No. 2 pending.

Pursuant to the point of order raised on Friday, April 10, by Senator Johnson of Wake, and taken under advisement, the Chair rules Amendment No. 2 not germane to the bill and it is consequently returned to Senator Thomas.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 55, a bill to limit interrogatories to 50 without prior court approval, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Sands, the Senate concurs (electronically recorded) in House Amendments No. 1 and No. 2, and the bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 170, an act to grant additional eminent domain powers to the Town of Apex for water and sewer lines and water and sewer treatment facilities. (Ch. 70)

S.B. 292, an act to create the State Building Commission. (Ch. 71)

H.B. 150, an act to require persons hunting big game to display on their person a minimum amount of hunter orange. (Ch. 72)

On motion of Senator Harrington, seconded by Senator Warren, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, April 15, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Horace Hamm, Minister of Fuquay-Varina Baptist Church, Fuquay-Varina.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Richardson for today.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 55, an act to limit interrogatories to 50 without prior court approval. (Ch. 73)

S.J.R. 303, a joint resolution providing that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro. (Res. 14)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee.**

S.B. 299, a bill to provide a special migratory waterfowl hunting license and to prescribe the penalty for migratory game bird violations, with a favorable report.
On motion of Senator Tally, the bill is re-referred to the **Finance Committee.**

By Senator Harris for the **Human Resources Committee.**

S.B. 189, a bill concerning services to individuals with developmental disabilities, with a favorable report.
On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee.**

S.B. 225, a bill to amend the law regarding kindergarten health assessments, with a favorable report.

S.B. 345, a bill to clarify the emergency medical technician certification process for out-of-state applicants, with a favorable report.

H.B. 265, a bill to revise the duties of the Council on Developmental Disabilities, with a favorable report.
On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee.**

By Senator Goldston for the **Transportation Committee.**

H.B. 207, a bill to create specialized registration plates for members of the Coast Guard Auxiliary, with a favorable report.
On motion of Senator Goldston, the bill is re-referred to the **Finance Committee.**

S.B. 300, a bill to allow both word messages and symbols to be used for pedestrian traffic control signals, with a favorable report.

S.B. 302, a bill to change the sign message for exempt crossings, with a favorable report.

S.B. 308, a bill to authorize traffic control measures by the Department of Transportation at major events, with a favorable report.
On motion of Senator Goldston, the bill is re-referred to the **Appropriations Committee.**

By Senator Guy for the **State Government Committee.**

Executive Order No. 35, TRANSFERRING THE STATE INFORMATION PROCESSING SERVICES (SIPS) TO THE OFFICE OF THE STATE CONTROLLER.

On motion of Senator Guy, Executive Order Number 35 is re-referred to the **Appropriations Committee**, for further review.

By Senator Conder for the **Children and Youth Committee.**

S.J.R. 155, a joint resolution adopting the Child Mental Health Plan and the Youth Substance Abuse Plan as policy guidance for the development of services over the next ten years, with a favorable report.

On motion of Senator Conder, the bill is re-referred to the **Human Resources Committee.**

By Senator Kaplan for the **Election Laws Committee.**

S.B. 333, a bill to repeal the mandatory seat belt law after a binding referendum, with an unfavorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Sherron:

S.B. 410, a bill to authorize traffic lanes for rush hour traffic.
Referred to **Transportation Committee.**

By Senator Sherron:

S.B. 411, a bill increasing the interest to be paid on partial license fees.
Referred to **Transportation Committee.**

By Senator Sherron:

S.B. 412, a bill to modify the licensing of commercial truck drivers.
Referred to **Transportation Committee.**

By Senator Johnson of Cabarrus:

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Johnson of Cabarrus:

S.B. 414, a bill to amend the 1971 Session Laws, Chapter 860, Section 12, to delete the Town of Matthews with specific territorial jurisdiction as granted by General Statute Section 160A Article 19.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Cobb, Johnson of Cabarrus, McDuffie, and Richardson:

S.B. 415, a bill relating to leasing and renting of the Charlotte Auditorium-Coliseum-Convention Center-Baseball Stadium Authority properties and facilities.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Cobb, Conder, and Martin of Guilford:

S.B. 416, a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census.
Referred to **Election Laws Committee.**

By Senator Guy:

S.B. 417, a bill making technical and clarifying amendments to the revenue laws.
Referred to **Finance Committee.**

By Senator Harrington:

S.B. 418, a bill to appropriate funds for a Principles of Technology Demonstration Program.
Referred to **Appropriations Committee.**

By Senators Kincaid and Simpson:

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Harris:

S.B. 420, a bill to regulate the practice of Dietetics/Nutrition.
Referred to **Human Resources Committee.**

By Senator Staton:

S.B. 421, a bill to permit all cities to participate in downtown development projects.
Referred to **Economic Growth Committee.**

By Senator Soles:

S.B. 422, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act.
Referred to **Judiciary IV Committee.**

By Senators Sands and Goldston:

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Barnes, Thomas, and Winner:

S.B. 424, a bill to create a Study Commission on State Parks and Recreation Areas.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Barnes, Thomas, and Winner:

S.B. 425, a bill to establish the purposes of the State Parks System.
Referred to **Judiciary I Committee.**

By Senator Martin of Pitt:

S.B. 426, a bill to appropriate funds for the relocation of the Country Doctor Museum from Bailey to Wilson.
Referred to **Appropriations Committee.**

By Senator Somers:

S.B. 427, a bill to provide that murder committed while engaged in drug trafficking is an aggravating circumstance in determining whether to impose the death sentence on a convicted defendant.
Referred to **Judiciary III Committee.**

By Senator Barnes:

S.B. 428, a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes.
Referred to **Judiciary I Committee.**

By Senators Warren, Martin of Guilford, and Ward:

S.B. 429, a bill to regulate conversion of institutions in the Community College System.
Referred to **Higher Education Committee.**

By Senators Seymour and Rand:

S.B. 430, a bill to make technical changes to the ABC Statutes.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Seymour:

S.B. 431, a bill to authorize the ABC Commission to close an insolvent ABC system.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Seymour, Walker, Marvin, Tally, and Ward:

S.B. 432, a bill to provide for the regulation of the practice of counseling and the licensure of counselors.
Referred to **Judiciary I Committee.**

By Senators Martin of Guilford, Ward, and Warren:

S.B. 433, a bill to modify the North Carolina State Education Assistance Authority.
Referred to **Higher Education Committee.**

By Senator Smith:

S.B. 434, a bill to establish the Public School Facilities Loan Fund, to authorize the issuance of $1.5 billion dollars in bonds of the State, subject to approval by the qualified voters of the State at a bond election, to provide funds for public school facilities through loans to counties, and to amend certain general and special laws.
Referred to **Economic Growth Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 273, a joint resolution to honor the life and memory of Lee Jackson Greer, Jr.
On motion of Senator Soles, the rules are suspended, and the joint resolution is placed on the Calendar for today.

H.B. 282, a bill to revise and consolidate the Charter of the Town of Lake Lure.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 314, a bill to revise and consolidate the Charter of the Town of Wallace.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 327, a bill to modify Winston-Salem's power of eminent domain.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 338, a bill to annex additional territory to the Town of Fallston.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 339, a bill to make permanent a temporary act allowing electrofishing for catfish in a portion of the Cape Fear River in Bladen County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 344, a bill to permit taking crows with the aid of electronic calling devices.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 360, a bill to permit the taking of foxes in Beaufort County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 427, a bill to limit the use of fish traps to take nongame fish in inland fishing waters in certain counties.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 75 (Committee Substitute), a bill providing for election of the Pitt County Board of Education.
Referred to **Election Laws Committee.**

H.B. 381, a bill to authorize Pasquotank County and the City of Elizabeth City to levy occupancy taxes.
Referred to **Local Government and Regional Affairs I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 272, a bill to remove the limitation on the length of streets the Town of Troutman may make improvements on and assess for the cost without petition, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 301, a bill to clarify the corporate limits of the Town of Vandemere in Pamlico County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of

Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--44.

Voting in the negative: Senator Winner--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 234, a bill to amend the Town of Rennert's Charter to provide for the Mayor to have the same right to vote as members of the Board of Commissioners.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 221, a bill to increase the interest rate applicable to *In Rem* property tax foreclosures and to permit a taxing unit to collect administrative costs incurred in these foreclosures, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--47.

Voting in the negative: Senator Sands--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 196, a bill to require advertisements of textile products to disclose whether the products are imported or made in America.

On motion of Senator Kaplan, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Kaplan to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 327, a bill to make the child support expedited process conform with federal and State law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 328, a bill to amend the structural pest control law to provide for civil penalties, applicator training and staggered licensing.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Senator Rauch objects to the third reading of the bill, as amended, which objection he subsequently withdraws. The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H.B. 236 (Committee Substitute), a bill to provide that electric and telephone membership corporations may indemnify directors, officers, employees, or agents to the same extent as nonprofit corporations.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.J.R. 273, a joint resolution to honor the life and memory of Lee Jackson Greer, Jr.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 202 (Committee Substitute), a bill authorizing the Senior Resident Superior Court Judge to require a judicial official to state the reasons for requiring a secured bail bond as a condition of pretrial release, upon third reading.

Senator Swain, seconded by Senator Harris, offers a motion that the Committee Substitute bill do lie upon the table, which motion fails to prevail (electronically recorded).

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 273, a bill to change the hours that water skiing and similar activities are prohibited.

Senator Simpson offers Amendment No. 1 which is adopted (electronically recorded).

Senator Daniel, seconded by Senator Harrington, offers a motion that the bill, as amended, do lie upon the table, which motion prevails. The bill, as amended, lies upon the table.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hipps for the Constitution Committee.

S.B. 149, a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the office of the Superintendent of Public Instruction appointive, with an unfavorable report as to bill but favorable as to the Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hipps, the Committee Substitute bill is placed on the Calendar for tomorrow, April 16, for further consideration.

On motion of Senator Harrington, seconded by Senator Barnes, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-NINTH DAY

SENATE CHAMBER,
Thursday, April 16, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Table, we thank Thee for the Passover table which reminds us of the passing over of the death angel and the deliverance of Thy people from bondage. Grant us Thy protection, we pray, and inspire us like Moses to be a spokesperson for the oppressed.

"O Lord of the Loaf, we thank Thee for the remembrance of this day when Jesus of Nazareth broke bread with His disciples and said, 'A new commandment I give unto you, that you love one another even as I have loved you.'

"Inspire us to love the Members of this Chamber, the members of our local congregations, and all Your children with that kind of affirming love with which Jesus loved his disciples, to the end that they may be inspired and equipped to be and do their best. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Johnson of Wake for today.

The President extends courtesies of the gallery to Timothy H. McDowell, former Senator from Alamance County, and to Carolyn Mathis, former Senator from Mecklenburg County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan for the **Election Laws Committee.**

H.B. 161 (Committee Substitute), a bill to require political committees to be labeled accurately, with a favorable report.

H.B. 232, a bill to require training of special registration commissioners, with a favorable report.

H.B. 263, a bill to amend the Presidential Preference Primary Act to account for the change in its date, with a favorable report.

H.B. 126, a bill to regulate the adoption of voting systems by local governments, with a favorable report, as amended.

By Senator Martin of Pitt for the **Manufacturing and Labor Committee.**

H.B. 229, a bill to provide for an increased State minimum wage if the federal minimum wage increases before June 1, 1989, with a favorable report.

On motion of Senator Martin of Pitt, the bill is placed on the Calendar for Tuesday, April 21.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator McDuffie:

S.B. 435, a bill to authorize Mecklenburg County to provide notice by publication for amendments to the zoning ordinance.

Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 436, a bill to authorize Mecklenburg County to withhold future approvals from a person with outstanding zoning and subdivision ordinance violations.

Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 437, a bill to authorize Mecklenburg County to require dedication of recreational areas and facilities as a condition to permit approval.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 438, a bill relating to zoning in Mecklenburg County and the City of Charlotte.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 439, a bill to authorize the Charlotte-Mecklenburg Planning Commission to hold the public hearing for amendments to zoning boundaries and maps and major planned development permits.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 440, a bill to authorize Mecklenburg County to file with the register of deeds a notice of special conditions attached to the zoning of the property.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 441, a bill to authorize Mecklenburg County to provide notice by publication for a comprehensive zoning reclassification.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 442, a bill to authorize the City of Charlotte to withhold future approvals from a person with outstanding zoning and subdivision ordinance violations.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 443, a bill to authorize the City of Charlotte to provide notice by publication for amendments to the zoning ordinance.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 444, a bill to authorize the City of Charlotte to provide notice by publication for a comprehensive zoning reclassification.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 445, a bill to authorize the City of Charlotte to require dedication of recreational areas and facilities as a condition to permit approval.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 446, a bill to authorize a majority vote of the zoning board of adjustment for the City of Charlotte.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 447, a bill to amend G.S. 160A-381 to authorize the City of Charlotte to file with the register of deeds a notice of special conditions attached to the zoning of the property.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator McDuffie:

S.B. 448, a bill to authorize the City of Charlotte and Mecklenburg County to create a development code enforcement board.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Ezzell:

S.B. 449, a bill to authorize and to regulate the withdrawal or transfer of an assumed name as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

By Senators Ezzell and Martin of Pitt:

S.B. 450, a bill to appropriate funds to help defray costs of expanding the parking area of Tri-County Industries.
Referred to **Appropriations Committee.**

By Senators Simpson and Kincaid:

S.B. 451, a bill to provide that the North Carolina Supreme Court may not consider in its review of a death penalty case whether the sentence imposed is disproportionate to the penalty imposed in similar cases.
Referred to **Judiciary IV Committee.**

By Senators Sands and Harris:

S.B. 452, a bill to repeal the mandatory seat belt law after a binding referendum.
Referred to **Election Laws Committee.**

By Senator Barnes:

S.B. 453, a bill to allocate funds for the Greene County satellite of Lenoir Community College.
Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 454, a bill to provide for elections of the Avery County Board of Education, and a different means of staggering the terms.
Referred to **Education Committee.**

By Senator Kincaid:

S.B. 455, a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Cobb, Allran, Bryan, Johnson of Cabarrus, Kincaid, McDuffie, Shaw, Simpson, Smith, and Somers:

S.B. 456, a bill to amend the Constitution to secure to the Governor the power of veto.
Referred to **Constitution Committee.**

By Senator Swain:

S.B. 457, a bill to amend the Private Protective Services Act.
Referred to **Judiciary III Committee.**

By Senator Barker:

S.B. 458, a bill to require the Town of Bridgeton to share with the First Craven Sanitary District sales tax proceeds earmarked for water and sewer costs.
Referred to **Finance Committee.**

By Senator Barker:

S.B. 459, a bill to allow North Carolina commercial fishermen to form Hull and Protection and Indemnity Clubs to which the general insurance laws do not apply.
Referred to **Insurance Committee.**

By Senators Thomas and Hipps:

S.B. 460, a bill concerning staggered terms for the Town of Laurel Park.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Johnson of Wake:

S.B. 461, a bill to provide immunity from punitive damages for political subdivisions.
Referred to **Judiciary II Committee.**

By Senator Johnson of Wake:

S.B. 462, a bill to provide for standards for long-term care insurance.
Referred to **Insurance Committee.**

By Senator Johnson of Wake:

S.B. 463, a bill to provide for standards for financial guaranty insurance.
Referred to **Insurance Committee.**

By Senator Johnson of Wake:

S.B. 464, a bill to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the local government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance.
Referred to **Insurance Committee.**

By Senator Johnson of Wake:

S.B. 465, a bill to improve the solvency protection of health maintenance organizations.
Referred to **Insurance Committee.**

By Senator Johnson of Wake (by request):

S.B. 466, a bill to extend the sunset provision in the Risk Sharing Plan Act of 1986.
Referred to **Insurance Committee.**

By Senator Johnson of Wake (by request):

S.B. 467, a bill to provide for reimbursement to the State for costs of consultants retained for reviewing insurance rate filings and certain classification plans; and to provide for the return of certain filings that do not meet statutory requirements.
Referred to **Insurance Committee.**

By Senator Johnson of Wake:

S.B. 468, a bill to extend the exemption from the insurance law of manufacturer and seller warranties to all goods.
Referred to **Insurance Committee.**

By Senators Barnes, Hipps, Thomas, and Winner:

S.B. 469, a bill to establish an Adopt-A-Trail Program under the Division of Parks and Recreation in the Department of Natural Resources and Community Development.
Referred to **Appropriations Committee.**

By Senators Barnes, Barker, Hunt of Moore, Parnell, Smith, Somers, Tally, Thomas, and Winner:

S.B. 470, a bill to appropriate funds for regional coordinators for the Trails Program.
Referred to **Appropriations Committee.**

By Senators Barnes, Barker, Hipps, Martin of Guilford, Seymour, Smith, Somers, Tally, Thomas, and Winner:

S.B. 471, a bill to limit the liability of landowners to persons using their land in connection with the Trails System.
Referred to **Judiciary I Committee.**

By Senators Plyler and Conder:

S.R. 472, a Senate resolution honoring the service of J. Robert Gordon to the North Carolina Wildlife Resources Commission and proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area in recognition of his service.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler and Conder:

S.B. 473, a bill to authorize Union County to adopt a unified land use ordinance, allow the Board of Adjustment to act by majority vote, authorize the Planning Board to issue permits, and require challenges to zoning amendments to be brought within sixty days.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Ward and Kaplan:

S.J.R. 474, a joint resolution honoring the life and memory of Carl Daniel Totherow, a former member of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Hardison and Harris:

S.B. 475, a bill to make certain changes in the involuntary commitment of substance abusers.
Referred to **Human Resources Committee.**

By Senator Goldston:

S.B. 476, a bill to amend Chapter 44A, Article 3, to require prompt payment by bonding companies and to extend the filing time.
Referred to **State Government Committee.**

By Senators Kaplan and Ward:

S.B. 477, a bill to appropriate funds for the support of North Carolina Dance Theatre's development of increased activities in North Carolina.
Referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 478, a bill to rename the Airport Commission of Forsyth County the Airport Authority of Forsyth County, to expand its membership, to grant it the power of eminent domain, and to clarify its authority to incur debt.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Rand:

S.B. 479, a bill to permit the issuance of brown-bagging permits to veterans organizations.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Rand, Barker, Block, Daniel, and Hipps:

S.B. 480, a bill to permit real estate license surrender, to simplify recovery fund claims, and to make certain violations of the Time Share Act criminal offenses.
Referred to **Judiciary IV Committee.**

By Senators Rand, Barker, Barnes, Basnight, Block, Daniel, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rauch, Sands, Seymour, Soles, Speed, Staton, Walker, Warren, and Winner:

S.B. 481, a bill to provide members of boards of directors of nonprofit corporations with immunity from certain lawsuits.
Referred to **Judiciary I Committee.**

By Senators Conder, Cobb, and Martin of Guilford:

S.B. 482, a bill to eliminate the requirement that the county board of elections must approve the withdrawal of any candidate in a single county election.
Referred to **Election Laws Committee.**

By Senators Conder, Cobb, and Martin of Guilford:

S.B. 483, a bill to provide for purging the voter registration of persons after each non-presidential general election who failed to vote in the second preceding presidential election, and to make it easier for persons to remain voters if they fail to vote.
Referred to **Election Laws Committee.**

By Senators Walker and Thomas:

S.B. 484, a bill to exempt coin-operated laundries from sales tax.
Referred to **Finance Committee.**

By Senators Parnell, Guy, Harrington, Hunt of Durham, Martin of Pitt, Martin of Guilford, Rand, and Speed:

S.B. 485, a bill to appropriate funds for maintenance of the boll weevil eradication program.
Referred to **Appropriations Committee.**

By Senator Thomas:

S.B. 486, a bill to levy a severance tax on the mining of phosphate rock.
Referred to **Finance Committee.**

By Senator Barnes:

S.B. 487, a bill to make certain military motor vehicle convictions count towards civilian drivers license suspensions and revocation.
Referred to **Judiciary I Committee.**

By Senators Tally, Seymour, and Walker:

S.B. 488, a bill to extend the terms of office of trustees in the Community College System and to provide for staggered terms of appointments.
Referred to **Higher Education Committee.**

By Senator Rauch:

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer.
Referred to **Pensions and Retirement Committee.**

By Senators Rauch and Martin of Pitt:

S.B. 490, a bill to authorize cities and counties to levy occupancy taxes.
Referred to **Finance Committee.**

By Senators Rauch and Hardison:

S.B. 491, a bill to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value to the gross estate.
Referred to **Finance Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 492, a bill to authorize municipalities within Gaston County to enter into agreements concerning annexations.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Rauch:

S.B. 493, a bill to exempt premiums received pursuant to certain deferred compensation plans from gross premiums tax.
Referred to **Finance Committee.**

By Senator Hunt of Moore:

S.B. 494, a bill to ensure that the hearing- and speech-impaired have access to basic telephone service.
Referred to **Commerce Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act.
Referred to **Judiciary I Committee.**

H.B. 288, a bill regarding registration of leased vehicles.
Referred to **Transportation Committee.**

H.B. 323, a bill to require that rabies vaccination clinics be offered at least annually rather than quarterly.
Referred to **Human Resources Committee.**

H.B. 359, a bill to provide that a dealer is not required to keep sales records of pistol cartridges.
Referred to **Judiciary I Committee.**

H.B. 403, a bill to change the method by which property owned by a nonprofit homeowners' association is taxed.
Referred to **Finance Committee.**

H.B. 444, a bill to raise the level of expenditure on public building projects on which informal competitive bid procedures may be used.
Referred to **State Government Committee.**

H.B. 462, a bill making a technical amendment to the Revenue Laws.
Referred to **Finance Committee.**

H.B. 469, a bill to authorize Clay, Graham, Jackson, and Macon Counties to create travel and tourism authorities and to remit the county occupancy tax proceeds to the Authorities to promote travel and tourism.
Referred to **Local Government and Regional Affairs II Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.J.R. 273, a joint resolution to honor the life and memory of Lee Jackson Greer, Jr. (Res. 15)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee.**

S.B. 422, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act, with a favorable report.
On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, April 21.

S.B. 306, a bill to promote the use of affordable housing and to provide for fair zoning regulation of residential manufactured homes and for taxation of manufactured homes as real property, with a favorable report, as amended.
On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendments No. 1 and No. 2 are adopted.
The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

By Senator Barnes for the **Judiciary I Committee.**

H.B. 129, a bill to clarify the provisions of G.S. 31-42 relating to the devolution of a devise or legacy to individuals or members of a class predeceasing the testator as recommended by the General Statutes Commission, with a favorable report.

H.B. 130, a bill to make technical amendments to the power of attorney statutes as recommended by the General Statutes Commission, with a favorable report.

H.B. 131, a bill to repeal certain inconsistent statutes and to clarify other statutes regarding the testimony of witnesses to prove the proper execution of an attested will as recommended by the General Statutes Commission, with a favorable report.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 272, a bill to remove the limitation on the length of streets the Town of Troutman may make improvements on and assess for the cost without petition, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 301, a bill to clarify the corporate limits of the Town of Vandemere in Pamlico County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 221, a bill to increase the interest rate applicable to *In Rem* property tax foreclosures and to permit a taxing unit to collect administrative costs incurred in these foreclosures, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 149 (Committee Substitute), a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the office of the Superintendent of Public Instruction appointive, upon second reading.

Senator Cobb offers Amendment No. 1 which changes the title to read, **S.B. 149** (Committee Substitute), a bill to amend the Constitution and the General Statutes to change the term of the members of the State Board of Education and to make the office of the Superintendent of Public Instruction appointive.

Senator Warren, seconded by Senator Winner, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 1 lies on the table.

Having received a three-fifths majority affirmative vote, the Committee Substitute bill passes its second roll-call reading, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senators Allran, Bryan, Cobb, Kincaid, Sands, Simpson, and Somers--7.

Without objection, the Committee Substitute bill remains before the Senate upon third reading.

Having received a three-fifths majority affirmative vote, the Committee Substitute bill passes its third roll-call reading, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: Senators Cobb, Kincaid, McDuffie, Simpson, and Somers.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 225, a bill to amend the law regarding kindergarten health assessments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 300, a bill to allow both word messages and symbols to be used for pedestrian traffic control signals.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 302, a bill to change the sign message for exempt crossings.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 345, a bill to clarify the emergency medical technician certification process for out-of-state applicants.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 77 (Senate Committee Substitute), a bill to provide an alternate procedure for cancellation of a deed of trust.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Cobb objects to the third reading of the Senate Committee Substitute bill, which objection he subsequently withdraws.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 196, a bill to require advertisements of textile products to disclose whether the products are imported or made in America, as amended, upon third reading.

Senator Kaplan offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded), and is ordered engrossed and sent to the House of Representatives.

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War, upon third reading.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Royall, the bill, as amended, is re-referred to the **Appropriations Committee.**

On motion of Senator Harrington, seconded by Senator Soles, the Senate adjourns to meet tomorrow at 10:00 A.M.

FIFTIETH DAY

SENATE CHAMBER,
Friday, April 17, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Forgiveness, we thank Thee for the atonement experienced by the Hebrew People through the scapegoat, in days of old, who carried the sins of the people into the wilderness.

"And we thank Thee for the atonement experienced by Christians through the death of Jesus Christ upon a cross on Good Friday.

"Regardless of our faith, forgive us this day for all of our sins against You, against one another, and against others. And give to each of us a forgiving heart. Deliver us from holding grudges and give us grace like Joseph in the Old Testament and like Jesus in the New Testament to forgive all those who have wronged us. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Allran, Kaplan, and Soles for today.

The President extends courtesies of the floor to Katherine H. Sebo, former member of the Senate from Guilford County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 301, an act to clarify the corporate limits of the Town of Vandemere in Pamlico County. (Ch. 74)

H.B. 272, an act to remove the limitation on the length of streets the Town of Troutman may make improvements on and assess for the cost without petition. (Ch. 75)

S.B. 93, an act to permit persons to engage in business as pawnbrokers in unincorporated areas of Iredell County. (Ch. 76)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

S.B. 251, a bill to allow local boards of education to purchase buses and minibuses for the transportation of children with special needs, with a favorable report.

S.B. 249, a bill to amend the special education hearings process, with a favorable report, as amended.

On motion of Senator Warren, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

S.B. 298, a bill to establish in North Carolina public schools the capability to provide distance learning by satellite, with a favorable report, as amended.

On motion of Senator Warren, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Winner for the **Environment Committee**:

H.B. 368, a bill to extend certain deadlines applicable to the North Carolina Hazardous Waste Treatment Commission, with a favorable report.

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 350, a bill to establish a time frame for filing appeals of administrative penalty assessments, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler and Rauch:

S.B. 495, a bill to provide assistance dogs for the handicapped.
Referred to **Human Resources Committee**.

By Senators Plyler, Conder, and Taft:

S.B. 496, a bill to amend the enabling legislation of the North Carolina State Ports Authority to make certain technical and conforming amendments.
Referred to **Economic Growth Committee**.

By Senators Plyler, Conder, and Rand:

S.B. 497, a bill to appropriate funds to the Department of Justice for additional personnel to enforce the Motor Fuels Marketing Act.
Referred to **Appropriations Committee**.

By Senator Plyler:

S.B. 498, a bill to appropriate planning funds for the renovation of and an addition to Scott Hall at North Carolina State University.
Referred to **Appropriations Committee**.

By Senators Rand and Rauch:

S.B. 499, a bill to appropriate funds to the Department of Community Colleges for the silver anniversary of the Community College System.
Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 500, a bill to remove territory from the Town of Hudson and add it to the City of Lenoir.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Cobb:

S.B. 501, a bill to expand the Department of Administration's authority to remove unauthorized vehicles from all State-Owned public grounds within the department's jurisdiction.
Referred to **Transportation Committee.**

By Senators Swain, Harris, and Winner:

S.B. 502, a bill to provide that he state retirement is not marital property available for equitable distribution.
Referred to **Judiciary III Committee.**

By Senator Barker:

S.B. 503, a bill to prohibit hunting on Alligator Lake in Hyde County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Soles:

S.B. 504, a bill to appropriate funds for construction of irrigation systems at the Piedmont and Border Belt Tobacco Research Stations.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 505, a bill to provide for the use of a facsimile signature and seal by the Secretary of State.
Referred to **State Government Committee.**

By Senator Winner:

S.B. 506, a bill to make various changes in the law relating to registers of deeds.
Referred to **Judiciary IV Committee.**

By Senators Bryan and Cobb:

S.B. 507, a bill to repeal the statute establishing the Human Tissue Advisory Council.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 509, a bill to increase the immediate civil license revocation for certain persons charged with implied-consent offenses from ten days to thirty days and for certain other persons from thirty days to sixty days.
Referred to **Judiciary III Committee.**

By Senators Martin of Guilford and Warren:

S.B. 510, a bill to transfer responsibility for licensing and supervision of proprietary schools from the State Board of Education to the State Board of Community Colleges.
Referred to **Higher Education Committee.**

By Senator Johnson of Wake:

S.B. 511, a bill to make technical corrections to the insurance law.
Referred to **Insurance Committee.**

By Senator Johnson of Wake:

S.B. 512, a bill to provide for the registration and regulation of third party administrators of life and health insurance.
Referred to **Insurance Committee.**

By Senator Johnson of Wake:

S.B. 513, a bill to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws.
Referred to **Insurance Committee.**

By Senator Sherron:

S.B. 514, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an airport authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said airport authority all powers set out in Chapter 63 of the General Statutes of North Carolina.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Sherron:

S.B. 515, a bill to direct the Governor to declare a hazardous driving day in a designated county when the Governor determines that weather conditions will render driving in the county sufficiently hazardous to warrant closing State offices.
Referred to **State Personnel Committee.**

By Senator Sherron:

S.B. 516, a bill to require the office of State Personnel to provide legal counsel to a State employee who has initiated a grievance proceeding or is preparing to initiate a grievance proceeding unless the employee's claim is determined to be frivolous.
Referred to **State Personnel Committee.**

By Senators Smith and Harris:

S.B. 517, a bill providing for protecting the public from inactive hazardous substance and waste disposal sites and other purposes.
Referred to **Environment Committee.**

By Senator Smith:

S.B. 518, a bill to revise and consolidate the charter of the City of Salisbury and to repeal prior charter acts.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Smith:

S.B. 519, a bill relating to the appointment of members of the Lexington City Board of Education.
Referred to **Education Committee.**

By Senator Somers:

S.B. 520, a bill to authorize Rowan County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

By Senator Marvin:

S.B. 521, a bill to specify the protective services that shall be available to abused, neglected, or dependent children and their families.
Referred to **Judiciary IV Committee.**

By Senator Hunt of Moore:

S.J.R. 522, a joint resolution honoring the centennial of the Town of Southern Pines and the memory of its founders.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Hardison, Barnes, Guy, Harris, Hunt of Moore, Marvin, McDuffie, Rauch, Richardson, Seymour, and Tally:

S.B. 523, a bill to appropriate funds to the Florence Crittenton Services, Inc.
Referred to **Appropriations Committee.**

By Senator Johnson of Wake:

S.B. 524, a bill to more explicitly authorize true-ups of prudently incurred fuel costs in electric utility ratemaking.
Referred to **Commerce Committee.**

By Senator Warren:

S.B. 525, a bill to provide a supplemental retirement fund for firemen in the Town of Selma and to modify the application of G.S. 118-5, G.S. 118-6, and G.S. 118-7 to the Town of Selma.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Harris:

S.B. 526, a bill to clarify that an action by a parent or supervisor of a child which creates a substantial risk of physical injury to the child by means that are not accidental is felony child abuse.
Referred to **Judiciary III Committee.**

By Senator Ward:

S.B. 527, a bill to clarify leave provisions for public school employees.
Referred to **Education Committee.**

By Senator Barnes:

S.B. 528, a bill to increase the penalty for hunting deer with dogs in Wayne County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Ward:

S.B. 529, a bill to permit the City of Winston-Salem to collect a motor vehicle tax of not more than twenty dollars.
Referred to **Finance Committee.**

By Senator Taft and Martin of Pitt:

S.B. 530, a bill to authorize Pitt County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

By Senator Taft and Simpson:

S.B. 531, a bill to officially establish and provide funds to the State Auditor's Office for the operation of a telephone hotline to receive reports of fraud, waste, and abuse in state government.
Referred to **State Personnel Committee.**

By Senators Barnes, Martin of Guilford, Thomas, and Winner:

S.B. 532, a bill to appropriate funds for land acquisition and capital improvement projects at State Parks and Recreation Areas.
Referred to **Appropriations Committee.**

By Senators Barnes, Thomas, and Winner:

S.B. 533, a bill to provide that fees collected at State Parks be in addition to budgetary appropriations.
Referred to **Finance Committee.**

By Senators Barnes, Thomas, and Winner:

S.B. 534, a bill to establish a trust fund for the State Parks and Recreation Areas to purchase land and fund capital improvements and operations.
Referred to **Appropriations Committee.**

By Senator Smith:

S.B. 535, a bill to amend the fee schedule for hazardous waste facilities.
Referred to **Finance Committee.**

By Senator Sands:

S.B. 536, a bill to provide for the termination of certain railroad rights of way.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Warren and Rand:

S.B. 537, a bill to appropriate funds for additional assistant principals and secretaries.
Referred to **Education Committee.**

By Senator Hunt of Moore:

S.B. 538, a bill to appropriate funds to provide state funding for migrant education.
Referred to **Appropriations Committee.**

By Senators Rand and Rauch:

S.B. 539, a bill to provide for confidentiality of medical database information.
Referred to **Judiciary IV Committee.**

By Senators Martin of Pitt and Rauch:

S.J.R. 540, a joint resolution honoring the memory of H. Vinson Bridgers, former State Senator.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Goldston:

S.B. 541, a bill to amend Chapter 20 of the General Statutes to provide for the compensation for stress for overloaded vehicles on posted bridges.
Referred to **Transportation Committee.**

By Senator Goldston:

S.B. 542, a bill to appropriate funds to the Department of Community Colleges to operate the Proprietary Schools Services Program.
Referred to **Appropriations Committee.**

By Senator Goldston:

S.B. 543, a bill to exempt highway construction diaries from the public records statute.
Referred to **Transportation Committee.**

By Senators Goldston and Royall:

S.B. 544, a bill to authorize the DOT to exchange uneconomic remnants created by highway construction.
Referred to **Transportation Committee.**

By Senator Goldston:

S.B. 545, a bill to permit the holding of ABC elections in certain unincorporated areas of the State.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Royall and Goldston:

S.B. 546, a bill to provide for an increase in the state motor fuel tax contingent upon reduction of the present federal gas tax.
Referred to **Finance Committee.**

By Senator Allran:

S.B. 547, a bill to increase the penalty for felony death by vehicle to that for second degree murder and to make involuntary manslaughter a lesser included offense.
Referred to **Judiciary III Committee.**

By Senators Cobb and Staton:

S.B. 548, a bill to amend the Fair Sentencing Act of 1981.
Referred to **Judiciary I Committee.**

By Senator Rand:

S.B. 549, a bill to appropriate funds to the North Carolina Medical Database Commission.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.J.R. 550, a joint resolution honoring Mrs. Reginald Wilson and the City of Burlington for pioneering the educable mentally handicapped training program in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Staton, Cobb, Rauch, and Richardson:

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training.
Referred to **Judiciary II Committee.**

By Senators Staton, Cobb, Rauch, and Richardson:

S.B. 552, a bill authorizing the Governor or his designated representative to establish the qualifications for promotion and retention of members of the National Guard.
Referred to **Judiciary II Committee.**

By Senators Staton, Cobb, Rauch, and Richardson:

S.B. 553, a bill authorizing the Adjuntant General to designate military judges to preside over courts-martial of the National Guard not in federal service.
Referred to **Judiciary II Committee.**

By Senators Staton, Cobb, Conder, Goldston, Rauch, Royall, Smith, and Walker:

S.B. 554, a bill to assist small business development.
Referred to **Economic Growth Committee.**

By Senators Staton, Cobb, Conder, Rauch, Royall, Smith, and Walker:

S.B. 555, a bill to amend Chapter 159D of the General Statutes pertaining to industrial and pollution control facilities pool program financing act.
Referred to **Finance Committee.**

By Senators Martin of Pitt, Basnight, Conder, Guy, Harrington, Harris, Hunt of Durham, Martin of Guilford, Parnell, Taft, and Thomas:

S.B. 556, a bill to increase contributions toward retirement benefits for local law enforcement.
Referred to **Finance Committee.**

By Senators Parnell and Speed:

S.B. 557, a bill to broaden the coverage offered by the School Property Insurance Program.
Referred to **Education Committee.**

By Senators Speed, Block, Bryan, Guy, Parnell, Plyler, Shaw, Sherron, and Warren:

S.B. 558, a bill to permit L.P. gas dealer to use other means of financial responsibility besides insurance.
Referred to **Agriculture Committee.**

By Senators Speed, Block, Bryan, Guy, Hardison, Plyler, Shaw, Sherron, and Warren:

S.B. 559, a bill to amend the fertilizer law.
Referred to **Agriculture Committee.**

By Senators Speed, Block, Bryan, Guy, Hardison, Parnell, Plyler, Shaw, Sherron, Soles, and Warren:

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication.
Referred to **Agriculture Committee.**

By Senators Speed, Block, Bryan, Guy, Hardison, Parnell, Plyler, Shaw, Sherron, Soles, and Warren:

S.B. 561, a bill to amend and clarify the promotion of sale and use of tobacco statutes.
Referred to **Agriculture Committee.**

By Senator Simpson:

S.B. 562, a bill to provide that murder committed while engaged in drug trafficking is an aggravating circumstance for consideration in determining whether to impose a death penalty on a convicted defendant.
Referred to **Judiciary IV Committee.**

By Senator Kincaid:

S.B. 563, a bill to amend the community work experience program to change limitations on time spent at a worksite.
Referred to **Human Resources Committee.**

By Senator Hunt of Moore:

S.B. 564, a bill to consolidate the regulation of migrant housing and to set forth the powers and duties of the Commissioner of Labor dealing with the regulation of migrant housing.
Referred to **Judiciary II Committee.**

By Senator Seymour:

S.B. 565, a bill to amend the expiration time for purchase-transportation permits.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Seymour:

S.B. 566, a bill to increase the amount of liquor a person may purchase and possess.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Sands and Goldston:

S.B. 567, a bill to allow the Alleghany County Board of Commissioners to adopt ordinances to beautify the County.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Sands and Goldston:

S.B. 568, a bill to allow the Rockingham County Board of Commissioners to adopt ordinances to beautify the County.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Hunt of Moore:

S.B. 569, a bill to amend law regarding setoff debt collection.
Referred to **Judiciary II Committee.**

By Senator Hunt of Moore:

S.B. 570, a bill to increase the membership of the North Carolina Farmworker Council.
Referred to **Agriculture Committee.**

By Senator Martin of Guilford:

S.B. 571, a bill to appropriate funds to establish a pilot program for historic properties management.
Referred to **State Government Committee.**

By Senator Warren:

S.B. 572, a bill to amend the law pertaining to the public school calendar.
Referred to **Education Committee.**

By Senator Warren:

S.B. 573, a bill to require that school bus drivers be at least seventeen years old.
Referred to **Education Committee.**

By Senator Thomas:

S.B. 574, a bill to appropriate additional funds for the operations of the Department of State Auditor.
Referred to **Appropriations Committee.**

By Senator Thomas:

S.B. 575, a bill to provide for cooperation between state, local and federal law enforcement agencies in special undercover operations.
Referred to **Judiciary I Committee.**

By Senator Sands:

S.B. 576, a bill to amend the North Carolina Geologists Licensing Act.
Referred to **Natural and Economic Resources and Wildlife Committee.**

RE-REFERRAL

S.B. 486, a bill to levy a severance tax on the mining of phosphate rock.
On motion of Senator Thomas and without objection, the bill is taken from the **Finance Committee** and re-referred to the **Environment Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 126, a bill to regulate the adoption of voting systems by local governments.
On motion of Senator Hipps, consideration of the bill is postponed until Tuesday, April 21.

H.B. 161 (Committee Substitute), a bill to require political committees to be labeled accurately.
On motion of Senator Hipps, consideration of the Committee Substitute bill is postponed until Tuesday, April 21.

H.B. 232, a bill to require training of special registration commissioners.
On motion of Senator Hipps, consideration of the bill is postponed until Tuesday, April 21.

H.B. 263, a bill to amend the Presidential Preference Primary Act to account for the change in its date.
On motion of Senator Hipps, consideration of the bill is postponed until Tuesday, April 21.

H.B. 129, a bill to clarify the provisions of G.S. 31-42 relating to the devolution of a devise or legacy to individuals or members of a class predeceasing the testator as recommended by the General Statutes Commission.

On motion of Senator Barnes, consideration of the bill is postponed until Tuesday, April 21.

H.B. 130, a bill to make technical amendments to the power of attorney statutes as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 131, a bill to repeal certain inconsistent statutes and to clarify other statutes regarding the testimony of witnesses to prove the proper execution of an attested will as recommended by the General Statutes Commission.

On motion of Senator Ezzell, consideration of the bill is postponed until Tuesday, April 21.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 199, a bill to authorize Moore County to levy a room occupancy tax.

Referred to **Finance Committee.**

H.B. 394, a bill to change the distribution of profits from the ABC stores in Sunset Beach.

Referred to **Alcoholic Beverage Control Committee.**

H.B. 420, a bill to authorize Mitchell County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee.**

H.B. 429, a bill to authorize the levy of a room occupancy and tourism development tax in Averasboro Township in Harnett County.

Referred to **Finance Committee.**

H.B. 443, a bill to provide that the general law regarding setting the official bond of the Sheriff shall apply to Guilford County.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 470, a bill to clarify that administrative costs of collecting the occupancy tax in certain counties shall be paid from the proceeds of the tax.

Referred to **Finance Committee.**

H.B. 473, a bill to amend the Charlotte City Charter with respect to auxiliary police and fire officers.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 481, a bill to change the procedure used by Wayne County in altering the structure of the Board of Commissioners.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 483, a bill concerning the construction of a building by the Alamance-Caswell Area Mental Health, Mental Retardation and Substance Abuse Authority.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 484, a bill to permit the City of Burlington to convey at private sale to the Allied Churches of Alamance County, Inc., the old City of Burlington Police Building and certain adjacent property.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 505, a bill to exempt the County of Stokes from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 508, a bill to allow additional time for the City of Charlotte to adopt city regulations for newly annexed areas or extension of the city's jurisdiction.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 78 (Committee Substitute), a bill to allow the judge in sentencing for driving while impaired to credit the defendant with time served as an inpatient in a treatment facility.
Referred to **Judiciary III Committee.**

H.B. 246, a bill to increase the population criterion for counties that seek to expand County Commissioners' authority over local boards.
Referred to **Human Resources Committee.**

H.J.R. 255, a joint resolution adopting the Child Mental Health Plan and the Youth Substance Abuse Plan as policy guidance for the development of services over the next ten years.
Referred to **Human Resources Committee.**

H.B. 284, a bill to add provisions to the rabies control law concerning possession and sale of rabies vaccine.
Referred to **Human Resources Committee.**

H.B. 431, a bill to permit the Department of Transportation to set the speed limit on Interstate Highways at a maximum of sixty-five miles per hour.
Referred to **Transportation Committee.**

H.B. 463, a bill to equalize the motor fuels tax credit and the rate of tax.
Referred to **Finance Committee.**

H.B. 527, a bill to provide for technical amendments to the employment security law of North Carolina.
Referred to **Manufacturing and Labor Committee.**

S.B. 78 (House Committee Substitute), a bill to require adequate disclosure by continuing care facilities, for concurrence in the House Committee Substitute bill which is re-committed to the **Human Resources Committee.**

On motion of Senator Harrington, seconded by Senator Walker, the Senate adjourns to meet Tuesday, April 21, at 1:30 P.M.

FIFTY-FIRST DAY

SENATE CHAMBER,
Tuesday, April 21, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O Lord of Life, we thank Thee for all the blessing of life. For the beauty of Thy creation; for the opportunity for meaningful employment; for the love and support of our families; for the rest and refreshment of this past week-end; for the privilege of

serving in this Chamber, and for the effective work of our support staff in the Senate, we give Thee thanks, O Lord.

"O God of Wisdom, Love, and Justice, as we begin our deliberations this day, give to us wisdom, patience, tolerance, understanding, compassion, love, and a sense of justice and fair play.

"As we speak and vote this day, keep us mindful that we are accountable unto You for all that we say and do in this place and in all places.

"And help us to act in such a way that in this Chamber and in our State, justice may flow down like waters and righteousness like an everflowing stream. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for today. It is noted that Senator Plyler is present for a portion of today's session.

The President extends courtesies of the gallery to Coretta Scott King.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

S.B. 278, a bill to eliminate the requirement that the Town of Granite Falls mail zoning notices, with a favorable report.

S.B. 366, a bill to authorize Pitt County to levy a room occupancy and tourism development tax, with a favorable report.

On motion of Senator Hunt of Moore, the bill is re-referred to the **Finance Committee.**

S.B. 384, a bill to repeal the Charter of the inactive Town of Gold Point, with a favorable report.

S.B. 390, a bill authorizing the Wake Forest Board of Commissioners to sell property at private sale, with a favorable report.

S.B. 406, a bill authorizing the appointment of a Special Board of Equalization and Review for Cumberland County, with a favorable report.

By Senator Hunt of Durham, Vice-Chairman, for the **Local Government and Regional Affairs I Committee:**

S.B. 313, a bill to allow the County of Rowan to convey its interest in the Old Post Office property in Salisbury at private sale, with a favorable report.

S.B. 319, a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies, with a favorable report.

S.B. 338, a bill to authorize Halifax County to levy a room occupancy and tourism development tax, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Finance Committee.**

S.B. 374, a bill to authorize the Council of the City of Albemarle to sell and convey to Challenger Electrical Equipment Corporation the interest of the City of Albemarle in a 12.69 acre parcel of land, with improvements thereon, located in Harris Township, Stanly County, North Carolina, with a favorable report.

S.B. 387, a bill concerning voluntary satellite annexations by the City of Hickory, with a favorable report.

S.B. 408, a bill to annex certain property into the City of Charlotte and to ratify certain actions of the City of Charlotte, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Finance Committee.**

H.B. 314, a bill to revise and consolidate the Charter of the Town of Wallace, with a favorable report.

H.B. 327, a bill to modify Winston-Salem's power of eminent domain, with a favorable report.

H.B. 336, a bill to authorize the City of Shelby to purchase natural gas by using informal bid procedures, with a favorable report.

H.B. 338, a bill to annex additional territory to the Town of Fallston, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Finance Committee.**

H.B. 381, a bill to authorize Pasquotank County and the City of Elizabeth City to levy occupancy taxes, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Finance Committee.**

S.B. 143, a bill to provide that the Board of County Commissioners of Onslow County may appoint special peace officers with limited jurisdiction, with a favorable report, as amended.

S.B. 261, a bill to authorize Wilson County to levy a room occupancy and tourism development tax, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engorssed and re-referred to the **Finance Committee.**

By Senator Staton for the **Economic Growth Committee:**

S.B. 421, a bill to permit all cities to participate in downtown development projects, with a favorable report.

By Senator Martin of Guilford for the **Higher Education Committee:**

S.B. 74, a bill to appropriate funds for a geography based curriculum program in the public schools, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 433, a bill to modify the North Carolina State Education Assistance Authority, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Finance Committee.**

H.B. 245, a bill to require the State Board of Education, the State Board of Community Colleges and the University Board of Governors to meet jointly at least once a year, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

By Senator Barnes for the **Judiciary I Committee:**

S.B. 370, a bill to amend certain Rules of Civil Procedure, with a favorable report, as amended.

S.B. 425, a bill to establish the purposes of the State Parks System, with a favorable report, as amended.

S.B. 428, a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes, with a favorable report, as amended.

S.B. 106, a bill to make it clear that the testimony of an injured party as to the amount of medical charges only establishes a rebuttable presumption of the reasonableness of the amount of the medical charges as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Thursday, April 23, for further consideration.

S.B. 372, a bill to limit the liability of a trustee, officer, or member of a nonprofit corporation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 372** (Committee Substitute), a bill to limit the liability of a trustee, officer, or director of a nonprofit corporation, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Thursday, April 23, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 130, an act to make technical amendments to the power of attorney statutes as recommended by the General Statutes Commission. (Ch. 77)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

S.B. 577, a bill to eliminate the requirement that the Supreme Court review all decisions of the Court of Appeals in which there is a dissent.

Referred to **Judiciary I Committee.**

By Senators Hipps and Tally:

S.B. 578, a bill to provide for Child Day Care technical changes.
Referred to **Children and Youth Committee.**

By Senator Staton:

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles.
Referred to **Judiciary II Committee.**

By Senators Thomas and Hipps:

S.B. 580, a bill to expand the Polk County Development Commission.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Seymour:

S.B. 581, a bill to authorize a single purchase- transportation permit for certain large purchases of spirituous liquor.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Seymour:

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Martin of Pitt:

S.J.R. 583, a joint resolution honoring the life and memory of Cameron S. Weeks, former member of the North Carolina General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Cobb:

S.B. 584, a bill to authorize the issuance of bonds of the State to provide funds, with other available funds, for Capital Improvements for the State and its Departments, Institutions and Agencies, such authorized bonds to be issued without an election during the biennium ending June 30, 1987, in an amount not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1983-85 biennium.
Referred to **Finance Committee.**

By Senator Martin of Guilford:

S.B. 585, a bill to make certain changes in mental health, mental retardation, and substance confidentiality laws.
Referred to **Human Resources Committee.**

By Senator Harris:

S.B. 586, a bill to amend G.S. 108A-79(k) to eliminate county appeals from final decisions of the Department of Human Resources.
Referred to **Human Resources Committee.**

By Senators Sands and Goldston:

S.B. 587, a bill to allow the Surry County Board of Commissioners to adopt ordinances to beautify the county.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Sands and Goldston:

S.B. 588, a bill to allow the Watauga County Board of Commissioners to adopt ordinances to beautify the county.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Sands and Goldston:

S.B. 589, a bill to allow the Ashe County Board of Commissioners to adopt ordinances to beautify the county.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Sands and Goldston:

S.B. 590, a bill to allow the Stokes County Board of Commissioners to adopt ordinances to beautify the county.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Sands:

S.B. 591, a bill to validate street and road assessments in Rockingham County.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Walker:

S.B. 592, a bill to authorize area authorities to contract with health maintenance organizations.
Referred to **Human Resources Committee.**

By Senators Plyler, Conder, Rand, and Rauch:

S.B. 593, a bill to clarify a sheriff's personal liability for the acts of his deputy.
Referred to **Judiciary IV Committee.**

By Senator Barker:

S.B. 594, a bill to direct the Administrative Office of the Courts to design a standard form that allows a defendant to waive his appearance in court and to designate legal counsel to appear in his behalf.
Referred to **Judiciary II Committee.**

By Senator Allran:

S.B. 595, a bill to require permanent revocation of license in the case of murder in the first or second degree resulting from motor vehicle operation.
Referred to **Judiciary III Committee.**

By Senator Allran:

S.B. 596, a bill to establish the period of license revocation for provisional licensees convicted of driving after drinking.
Referred to **Judiciary III Committee.**

By Senator Allran:

S.B. 597, a bill to expand the definition of offenses involving impaired driving.
Referred to **Judiciary III Committee.**

By Senator Allran:

S.B. 598, a bill to mandate revocation of a limited driving privilege in certain circumstances.
Referred to **Judiciary III Committee.**

By Senator Allran:

S.B. 599, a bill to clarify that juveniles are included within the class of persons subject to the implied consent laws.
Referred to **Judiciary III Committee.**

By Senator Taft, Barker, and Basnight:

S.B. 600, a bill to provide monies for research relating to the cause and remedy for the fish disease ulcerated mycosis.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Marvin, Bryan, Hunt of Durham, Hunt of Moore, Kincaid, Sands, Seymour, Shaw, Simpson, Soles, Taft, Tally, Walker, and Ward:

S.B. 601, a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Rand:

S.B. 602, a bill to protect children placed for adoption.
Referred to **Children and Youth Committee.**

By Senators Thomas and Hipps:

S.B. 603, a bill to amend Chapter 636 of the 1981 Session Laws relative to military service retirement purchase.
Referred to **Pensions and Retirement Committee.**

By Senator Parnell:

S.B. 604, a bill to provide for licensing of cotton warehouses.
Referred to **Agriculture Committee.**

By Senator Taft:

S.B. 605, a bill to create a pay policy for State employment under Chapter 126 of the General Statutes and to revise the merit pay system in effect for State employees subject to that Chapter.
Referred to **State Personnel Committee.**

By Senator Taft:

S.B. 606, a bill to appropriate funds to establish the Carolina Clean Drinking Water Fund and fund its initial operating expenses.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 607, a bill to modify and expand the distribution by the Office of Administration Hearings of the North Carolina register and other documents.
Referred to **Judiciary I Committee.**

By Senator Barnes:

S.B. 608, a bill to appropriate funds for expansion of the commodity distribution program.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 609, a bill providing for adoption of a metropolitan school system for the Cities of Greensboro and High Point.
Referred to **Education Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 113, a bill to permit the governing body of a taxing unit to allow the tax collector to adjust small underpayments and overpayments of property tax.
Referred to **Finance Committee.**

H.B. 298, a bill designating the District Court as the proper division for trial of an alleged breach of a separation agreement.
Referred to **Judiciary II Committee.**

H.B. 375, a bill to annex property owned by the City of Brevard.
Referred to **Finance Committee.**

H.B. 404, a bill to authorize the taking of black bears in certain counties.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 449, a bill to extend the coporate limits of the Town of Murphy.
Referred to **Finance Committee.**

H.B. 494, a bill to allow curbside voting during the entire time the polls are open, so as to comply with the federal voting accessibility for the elderly and handicapped act.
Referred to **Election Laws Committee.**

H.B. 495, a bill to clarify when seventeen year olds can register to vote for the party primary election.
Referred to **Election Laws Committee.**

H.B. 496, a bill to extend the corporate limits of the Town of Ranlo to include town-owned property.
Referred to **Finance Committee.**

H.B. 497, a bill to extend the corporate limits of the Town of Dallas, North Carolina.
Referred to **Finance Committee.**

H.B. 502, a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees for police department capital improvements.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 536, a bill regulating hunting in Greene County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 548, a bill to provide that on general election ballots, names in multi-seat races are printed on the ballot within a political party in alphabetical order.
Referred to **Election Laws Committee.**

H.B. 549, a bill to provide for continued compliance with the federal Voting Accessibility for the Elderly and Handicapped Act
Referred to **Election Laws Committee.**

H.B. 589, a bill to provide for continued compliance with the Voting Rights Act and to improve the administration of justice by providing for the elimination of staggered terms for Superior Court Judges, creating more Superior Court Judicial Districts, eliminating the Office of Special Superior Court Judge, and making conforming changes.

Referred to **Judiciary IV Committee.**

H.B. 599, a bill to amend G.S. 113-273 with respect to wild turkeys held under a game bird propagation license.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 602, a bill to amend G.S. 113-291.1 relating to the manner of taking migratory game birds.

Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 631, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act.

On motion of Senator Soles, the rules are suspended, and the bill is placed on the Calendar for today, in its regular order of business.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 251, a bill to allow local boards of education to purchase buses and minibuses for the transportation of children with special needs.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 350, a bill to establish a time frame for filing appeals of administrative penalty assessments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 631, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act.

Senator Soles calls the previous question, seconded by Senator Harrington. The call is sustained.

The bill passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 422, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act.

Without objection, the bill is placed on the Calendar for Monday, April 27.

H.B. 126, a bill to regulate the adoption of voting systems by local governments.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 129, a bill to clarify the provisions of G.S. 31-42 relating to the devolution of a devise or legacy to individuals or members of a class predeceasing the testator as recommended by the General Statutes Commission.

The bill passes its second reading (electronically recorded).

On objection of Senator Ezzell to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 131, a bill to repeal certain inconsistent statutes and to clarify other statutes regarding the testimony of witnesses to prove the proper execution of an attested will as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 161 (Committee Substitute), a bill to require political committees to be labeled accurately.

On motion of Senator Kaplan, the Committee Substitute bill is recommitted to the **Election Laws Committee.**

H.B. 229, a bill to provide for an increased State minimum wage if the federal minimum wage increases before June 1, 1989.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 232, a bill to require training of special registration commissioners.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 263, a bill to amend the Presidential Preference Primary Act to account for the change in its date.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 368, a bill to extend certain deadlines applicable to the North Carolina Hazardous Waste Treatment Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Ibrez R. Bandukwala, Raleigh; Lisa Bowens, Wilmington; Susan Brookhart, Chapel Hill; Patricia Lynn Daughtry, Goldsboro; Patricia Lynne Green, Star; Amy Yvonne Griffis, Fayetteville; Richard Claiborne Herget, Raleigh; Jim Jackson, Greenville; Cameron Kempson, Asheville; Jeffrey Cameron Loper, Raleigh; Charlotte Mittelsladt, Greensboro; Sheila Lynn Osborne, Robersonville; Brian Keith Perry, Fayetteville; Karen Price, Chapel Hill; Anissa Diane Roberts, Plymouth; Todd David Smith, Fayetteville; Robert Lee Stallings IV, Hickory; Anne-Marie Turnier, Chapel Hill; Susan Paige Ward, Monroe; Crecia Pearl Williams, Kenly; and James J. Woody III, Roxboro.

On motion of Senator Harrington, seconded by Senator Rand, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SECOND DAY

SENATE CHAMBER,
Wednesday, April 22, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Rabbi David M. Zielonka, Temple Emanuel, Gastonia, as follows:

"God of the Beginning and the End, Lord of all time and every generation, Guide of all creatures and all people, we who stand before You today, ask Your blessing on ourselves and our loved ones, and seek Your guidance in this day's deliberations. Make us aware of Your presence among us, attune our hearts and minds to Your voice; make us grateful for all your blessing.

"You have made us in Your image, capable of balancing love and justice in the pursuit of a righteous life. You have given us knowledge and reason, to interpret wisely Your commandments. You have set before us limitless challenges to choose between good and evil, between concern for others and self indulgence, between the paths of righteousness and the ways of hatred and strife. In all that we do and think and feel, we sense Your presence among us, You are with us when we pray, when we learn, and when we work to build a better and more peaceful world. You are with us when we believe and when we doubt, when we are strong and when we fear, when we know joy and when we feel pain, at all times You are our friend and our teacher.

"We pray for insight into Your truth, for increased understanding of Your ways, for the strength of heart and soul to choose good in all that we do. May all turn to You with renewed hearts, confident that those who love goodness and do justly will find new strength for Your service. Lord, our God, You have blessed us with noble powers. Teach us to make wise use of them. Make us Your partners in the on-going work of mending creation, Your co-workers dedicated to the well-being of those around us, that all we do may bring nearer the coming of Your Kingdom on earth. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the gallery to the Honorable Maurice Muzoka Katowa, Member of Parliament of the National Assembly of Zambia, Lusake, Zambia; the Honorable Edward Lowassa, National Member of Parliament and Principal Assistant Secretary at the Ruling Party (CCM), Tanzania National Assembly, Dar es Salaam, Tanzania; and the Honorable Angelo Othow Nyiknago, Member of Constituent Assembly, No. 121, Omdurman, Khartoum, Sudan. Courtesies of the gallery are also extended to the Quiz Bowl teams from Franklin County high schools.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee.**

H.B. 339, a bill to make permanent a temporary act allowing electrofishing for catfish in a portion of the Cape Fear River in Bladen County, with a favorable report.

H.B. 344, a bill to permit taking crows with the aid of electronic calling devices, with a favorable report.

H.B. 360, a bill to permit the taking of foxes in Beaufort County, with a favorable report.

H.B. 427, a bill to limit the use of fish traps to take nongame fish in inland fishing waters in certain counties, with a favorable report.

H.B. 345, a bill to authorize Wildlife Enforcement Officers to enforce the littering law in Brunswick County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Senate Committee Substitute bill, which changes the local bill to a public bill and which changes the title to read, **H.B. 345** (Senate Committee Substitute), a bill to authorize Wildlife protectors to enforce the littering law, is placed before the Senate for immediate consideration, and on her further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Tally, the Senate Committee Substitute bill is placed on the Calendar for Friday, April 24, for further consideration.

By Senator Harris for the **Human Resources Committee.**

S.B. 78 (House Committee Substitute), a bill to require adequate disclosure by continuing care facilities, with a favorable report, as to concurrence.

On motion of Senator Harris, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate concurs (electronically recorded) in the House Committee Substitute bill, and the bill is ordered enrolled.

S.J.R. 155, a joint resolution adopting the Child Mental Health Plan and the Youth Substance Abuse Plan as policy guidance for the development of services over the next ten years, with a favorable report.

On motion of Senator Harris the joint resolution is re-referred to the **Appropriations Committee.**

S.B. 253, a bill to clarify the definition of "private club" in G.S. 130A-247, with a favorable report.

S.B. 254, a bill to amend the law governing sanitation of institutions and day-care facilities, with a favorable report, as amended.

By Senator Guy for the **State Government Committee.**

S.B. 199, a bill providing a funding formula and a selection process for the inclusion of works of art in State buildings, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Appropriations Committee.**

S.B. 294, a bill to raise the level of expenditure on public building projects on which informal competitive bid procedures may be used, with a favorable report.

S.B. 136, a bill to provide a model code for procurement of architectural and engineering services by State and local government, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Guy, the Committee Substitute bill is placed on the Calendar for Friday, April 24, for further consideration.

By Senator Goldston for the **Transportation Committee.**

S.B. 394, a bill to provide for specialized plates for Pearl Harbor survivors, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Finance Committee.**

H.B. 286, a bill to amend Chapter 20 of the General Statutes to make passenger capacity of buses consistent with regulation by the Utilities Commission under provisions of Chapter 62 of the General Statutes, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Finance Committee.**

H.B. 290, a bill to provide for issuance of personalized registration plates for commercial vehicles, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Finance Committee.**

By Senator Rauch for the **Finance Committee.**

S.B. 94, a bill to recodify the laws relating to fraternal benefit societies and fraternal orders, with a favorable report.

S.B. 280, a bill to revise the license fees for hunting, trapping, and fishing, with a favorable report.

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act, with a favorable report.

H.B. 204, a bill making technical corrections to the property tax statutes governing collection of property taxes, with a favorable report.

CONFIRMATION OF APPOINTMENTS

Senator James D. Speed, Chairman of the **Agriculture Committee** submits the following report:

In compliance with the provisions of G.S. 106-2 requiring appointees to the State Board of Agriculture to be confirmed by the Senate, Governor Martin has submitted his appointees, Pete Lovette, G. Earl Rountree, and John Howard, Jr. for confirmation.

The Senate Committee on Agriculture has considered the appointments and makes the following recommendation to the Senate:

> That the appointment of Pete Lovette, G. Earl Rountree, and John Howard, Jr. as members of the State Board of Agriculture be confirmed.

On motion of Senator Speed, the Senate confirms the appointments of the Governor to membership on the State Board of Agriculture by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The Chair orders the Governor notified of the action of the Senate.

RE-REFERRAL

H.B. 161 (Committee Substitute), a bill to require political committees to be labeled accurately.

On motion of Senator Kaplan, the rules are suspended and the bill is taken from the **Election Laws Committee** and is placed on the Calendar for tomorrow, April 23.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 131, an act to repeal certain inconsistent statutes and to clarify other statutes regarding the testimony of witnesses to prove the proper execution of an attested will as recommended by the General Statutes Commission. (Ch. 78)

H.B. 229, an act to provide for an increased State minimum wage if the federal minimum wage increases before June 1, 1989. (Ch. 79)

H.B. 232, an act to require training of special registration commissioners. (Ch. 80)

H.B. 263, an act to amend the Presidential Preference Primary Act to account for the change in its date. (Ch. 81)

H.B. 368, an act to extend certain deadlines applicable to the North Carolina Hazardous Waste Treatment Commission. (Ch. 82)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hunt of Durham:

S.B. 610, a bill to further clarify the authority of the City of Durham to make grants and loans for economic development serving the needs of persons of low and moderate income.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Kincaid and Simpson:

S.B. 611, a bill to require tax information on deeds before they may be recorded in Mitchell County.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Sands:

S.B. 612, a bill to repeal the laws relating to trademarks of mineral waters and beverages.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Swain and Winner:

S.B. 613, a bill to exempt Buncombe County from certain procedural requirements on disposal of land as an industrial park.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Somers:

S.B. 614, a bill to provide that assets accumulated to disseminate obscenity shall be forfeited.
Referred to **Judiciary III Committee.**

By Senator Simpson:

S.B. 615, a bill to authorize establishment of the Burke County Police Force, subject to a referendum.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Walker:

S.B. 616, a bill to permit the City of Asheboro to dispose of certain real property by private negotiation and sale.
Referred to **Local Government and Regional Affairs II Committee.**

By Senators Staton and Johnson of Wake:

S.B. 617, a bill to appropriate funds to the General William C. Lee Memorial Museum Commission.
Referred to **Appropriations Committee.**

By Senators Staton and Johnson of Wake:

S.B. 618, a bill to amend the Charter of the City of Sanford.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Staton and Johnson of Wake:

S.B. 619, a bill to appropriate funds to the City of Sanford for renovations to the old City Hall building.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 620, a bill to appropriate funds for the Wilson Community Theater building program.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 621, a bill to merge all of the school administrative units in Robeson County, subject to a referendum.
Referred to **Education Committee.**

By Senator Royall:

S.B. 622, a bill pertaining to the manner of qualifying areas for annexation by the City of Durham.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Royall:

S.B. 623, a bill to amend the Charter of the City of Durham to permit the establishment of one or more incubator facilities.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Staton, Allran, Bryan, Cobb, Ezzell, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Rauch, Richardson, Royall, Seymour, Shaw, Smith, Somers, Speed, Swain, Tally, Walker, Ward, and Winner:

S.B. 624, a bill to appropriate funds for a Grassroots Science Program by the Museum of Natural Sciences to improve State programs in science education.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 625, a bill to exempt the Conoconnara Burial Society from regulation under Chapter 58 of the General Statutes.
Referred to **Insurance Committee.**

By Senator Richardson:

S.B. 626, a bill to permit Mecklenburg County to levy an excise tax on instruments conveying real property in Mecklenburg County.
Referred to **Finance Committee.**

By Senators Ward and Kaplan:

S.B. 627, a bill to provide that the Winston-Salem/Forsyth County Board of Education may pay its teachers and other instructional personnel on the sixteenth day of each month.
Referred to **Education Committee.**

By Senators Allran and Bryan:

S.B. 628, a bill to provide that the Cities of Hickory, Conover, Claremont and Newton need not mail zoning notices for a revision of the complete zoning ordinance or map.
Referred to **Local Government and Regional Affairs I Committee.**

By Senators Allran and Bryan:

S.B. 629, a bill to provide that the Town of Maiden and the County of Catawba need not mail zoning notices for a revision of the complete zoning ordinance or map.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Allran:

S.B. 630, a bill to allow the City of Hickory to impose facility fees.
Referred to **Finance Committee.**

By Senator Block:

S.B. 631, a bill to amend the insurance provisions of the Amusement Device Safety Act.
Referred to **Insurance Committee.**

By Senator Block:

S.B. 632, a bill to declare New Hanover County to be the County of Azaleas.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Guy:

S.B. 633, a bill to appropriate funds to relocate the Onslow County Museum from Richlands to Jacksonville.
Referred to **Appropriations Committee.**

By Senator Hunt of Moore:

S.B. 634, a bill to exempt the Town of Southern Pines from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Ezzell:

S.B. 635, a bill to allow the Nash County Board of Education to lease land to cities without finding that the land is unnecessary or undesirable for school purposes.
Referred to **Education Committee.**

By Senator Ezzell:

S.B. 636, a bill to permit Nash County to appropriate additional funds for industrial development.

Referred to **Local Government and Regional Affairs I Committee.**

ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills and resolutions previously introduced:

By Senators Barker and Daniel:

S.B. 425, a bill to establish the purposes of the State Parks System.

By Senator Warren:

S.B. 593, a bill to clarify a sheriff's personal liability for the acts of his deputy.

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles.

S.B. 608, a bill to appropriate funds for expansion of the commodity distribution program.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 10 (Committee Substitute), a bill to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Department of Human Resources.

Referred to **Judiciary I Committee.**

H.B. 188 (Committee Substitute), a bill to clarify the law regarding detention of a juvenile bound over to Superior Court.

Referred to **Judiciary III Committee.**

H.B. 540, a bill to authorize Pitt County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 384, a bill to repeal the Charter of the inactive Town of Gold Point, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 387, a bill concerning voluntary satellite annexations by the City of Hickory, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 314, a bill to revise and consolidate the Charter of the Town of Wallace, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

H.B. 327, a bill to modify Winston-Salem's power of eminent domain, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 143, a bill to provide that the Board of County Commissioners of Onslow County may appoint special peace officers with limited jurisdiction.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 278, a bill to eliminate the requirement that the Town of Granite Falls mail zoning notices.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 313, a bill to allow the County of Rowan to convey its interest in the Old Post Office property in Salisbury at private sale.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 319, a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 374, a bill to authorize the Council of the City of Albemarle to sell and convey to Challenger Electrical Equipment Corporation the interest of the City of Albemarle in a 12.69 acre parcel of land, with improvements thereon, located in Harris Township, Stanly County, North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 390, a bill authorizing the Wake Forest Board of Commissioners to sell property at private sale.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 406, a bill authorizing the appointment of a Special Board of Equalization and Review for Cumberland County.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 336, a bill to authorize the City of Shelby to purchase natural gas by using informal bid procedures.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 421, a bill to permit all cities to participate in downtown development projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 12, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: Senators Barker, Daniel, Guy, Hardison, Johnson of Cabarrus, Kincaid, Shaw, Sherron, Simpson, Somers, Swain, and Winner--12.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 425, a bill to establish the purposes of the State Parks System, upon second reading.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 370, a bill to amend certain Rules of Civil Procedure.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

On motion of Senator Ezzell, further consideration of the bill, as amended, is postponed until Thursday, April 23.

S.B. 428, a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 129, a bill to clarify the provisions of G.S. 31-42 relating to the devolution of a devise or legacy to individuals or members of a class predeceasing the testator as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 631, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Hardison, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-THIRD DAY

SENATE CHAMBER,
Thursday, April 23, 1987.

The Senate meets pursuant to adjournment and is called to order in the absence of the President by the Honorable Marshall A. Rauch, Senator from Gaston County.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Life, we thank Thee for all the blessing of life. For this great land of freedom and opportunity, for this beautiful and bountiful State, for the high privilege of serving in this Chamber, and for our secretaries and all the staff of the Senate, who make our work so much easier. We give Thee thanks, O Lord.

"O God of Nations, bless we pray Thee, the President of these United States, the Governor and Lieutenant Governor of our fair State, the President *Pro Tempore* of the Senate, our presiding officer today, and all the judges and legislators of our nation. Fill them and each of us with love, justice, and compassion so that in this land justice may flow down like waters and righteousness like an everflowing stream. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Hardison, who is announcing his candidacy for the Office of Lieutenant Governor; Senator Royall who is attending an Executive Meeting of the Council of State Governments in Washington, D.C.; and to Senators Barker and Thomas.

The Chair extends courtesies of the gallery to Mary Elizabeth Gore, wife of the Honorable Albert Gore, Jr., United States Senator from Tennessee.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee:**

S.B. 310, a bill to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States, with a favorable report.

By Senator Martin of Pitt for the **Manufacturing and Labor Committee:**

H.B. 527, a bill to provide for technical amendments to the employment security law of North Carolina, with a favorable report.

By Senator Swain for the **Judiciary III Committee:**

H.B. 186, a bill to provide for short-term commitments of juveniles to local approved facilities, with a favorable report.

H.B. 187, a bill to provide temporary secure custody for juveniles charged with certain misdemeanors, with a favorable report.

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina, with a favorable report.

H.B. 78 (Committee Substitute), a bill to allow the judge in sentencing for driving while impaired to credit the defendant with time served as an inpatient in a treatment facility, with a favorable report, as amended.

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 352, a bill to provide for service of parking violation citations, with a favorable report.

S.B. 552, a bill authorizing the Governor or his designated representative to establish the qualifications for promotion and retention of members of the National Guard, with a favorable report.

S.B. 553, a bill authorizing the Adjuntant General to designate military judges to preside over courts-martial of the National Guard not in federal service, with a favorable report.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard personnel for failure to attend annual active duty training and schedule inactive duty training, with a favorable report, as amended.

S.B. 569, a bill to amend law regarding setoff debt collection, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Block:

S.B. 637, a bill concerning Pender County.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Bryan:

S.B. 638, a bill to exempt Iredell County and other counties and incorporated municipalities located therein from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Speed:

S.B. 639, a bill to appropriate funds for installing an elevator in the Franklin County Courthouse.
Referred to **Appropriations Committee.**

By Senators Kincaid and Simpson:

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

By Senators Swain and Winner:

S.B. 641, a bill to appropriate funds to the Old Depot Association, Incorporated, in Black Mountain to support and advance its work in cultural resources.
Referred to **Appropriations Committee.**

By Senators Martin of Pitt and Ezzell:

S.B. 642, a bill to provide for the election of the Wilson County Board of Education from seven single-member districts, as provided by court order.
Referred to **Election Laws Committee.**

By Senator Harrington:

S.B. 643, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Staton and Johnson of Wake:

S.B. 644, a bill to appropriate funds to mediation services of Wake, Inc. for operating expenses.
Referred to **Appropriations Committee.**

By Senators Staton and Johnson of Wake:

S.B. 645, a bill to appropriate funds to Sandlee Care, Inc., for capital improvements.
Referred to **Appropriations Committee.**

By Senators Staton and Johnson of Wake:

S.B. 646, a bill to appropriate funds to Lee County Industries, Incorporated.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 647, a bill authorizing counties to establish requirements concerning apartheid in projects financed with public funds.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Rand and Winner:

S.B. 648, a bill to modify the law regarding costs for appeal for trial *de novo*.
Referred to **Judiciary IV Committee.**

By Senator Hipps:

S.B. 649, a bill to modify the school finance pilot project.
Referred to **Education Committee.**

By Senators Taft and Martin of Pitt:

S.B. 650, a bill providing for the election of the Pitt County Board of Commissioners.
Referred to **Election Laws Committee.**

By Senators Taft and Martin of Pitt:

S.B. 651, a bill to appropriate operational funds for Tideland Mental Health Center.
Referred to **Appropriations Committee.**

By Senators Basnight, Harrington, Martin of Pitt, and Taft:

S.B. 652, a bill to appropriate funds to the Mid-East and Albemarle Commissions as matching funds for job-creating programs.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 653, a bill to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond.
Referred to **Local Government and Regional Affairs II Committee.**

By Senator Goldston:

S.B. 654, a bill to modify the miscellaneous provision for the issue of permits for business on school and college campuses.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Seymour:

S.B. 655, a bill to appropriate funds for capital improvements at Guilford Technical Community College.
Referred to **Appropriations Committee.**

By Senator Goldston:

S.B. 656, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes.
Referred to **Transportation Committee.**

By Senators Goldston, Barker, Conder, Daniel, Hunt of Durham, Johnson of Cabarrus, Plyler, and Somers:

S.B. 657, a bill to change the holiday for Easter from Easter Monday to Good Friday.
Referred to **State Government Committee.**

By Senators Harris, Rauch, and Marvin:

S.B. 658, a bill authorizing the County of Cleveland to make unrestricted grants to incorporated municipalities in said County of Cleveland.

On motion of Senator Harris, the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Harris:

S.B. 659, a bill to appropriate funds to the North Carolina Institute of Medicine.

Referred to **Appropriations Committee.**

By Senators McDuffie and Richardson:

S.B. 660, a bill to amend the method of rate-making and the factors to be considered in establishing territories for insurance rating and statistical purposes.

Referred to **Insurance Committee.**

By Senator Goldston:

S.B. 661, a bill to permit the garnishment of wages for certain debts owed to public hospitals.

Referred to **Judiciary II Committee.**

By Senator Warren:

S.B. 662, a bill to modify the provisions for leave time and workweeks of Occupational Education Teachers.

Referred to **Education Committee.**

By Senator Johnson of Wake:

S.B. 663, a bill to specifically authorize the North Carolina Board of Dental Examiners to regulate general anesthesia and parenteral sedation by dentists.

Referred to **Judiciary II Committee.**

By Senator Johnson of Wake:

S.B. 664, a bill to provide for confidentiality of information developed in investigations by the North Carolina Board of Dental Examiners until the information is used in formal notices of hearings.

Referred to **Judiciary II Committee.**

By Senators Johnson of Wake, Staton, and Speed:

S.B. 665, a bill to appropriate funds to the Capital Area Soccer League.

Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 666, a bill to include Texas in the North Carolina Interstate Banking Region.

Referred to **Commerce Committee.**

By Senators Simpson and Kincaid:

S.B. 667, a bill authorize Burke County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee.**

By Senator Rand:

S.B. 668, a bill regarding flying while impaired.
Referred to **Judiciary IV Committee.**

By Senator Rand:

S.B. 669, a bill to clarify the State Tort Claims Act and related Statutes, to improve the administration of the act.
Referred to **Judiciary IV Committee.**

By Senator Rand:

S.B. 670, a bill waiving the residency requirement for in-State tuition at Community Colleges for refugees and immigrants.
Referred to **Higher Education Committee.**

By Senator Seymour:

S.B. 671, a bill to regulate Sunday sales and consumption of alcoholic beverages.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Bryan:

S.B. 672, a bill to provide for the nonpartisan election of the Iredell County Board of Education at the time of the general election, to expand the board from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners.
Referred to **Education Committee.**

By Senator Bryan:

S.B. 673, a bill to allow the Iredell County Board of Commissioners to call an advisory referendum on merger of two or more school administrative units in that County.
Referred to **Education Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 89, a bill to amend the law relating to the monthly benefits of the Greensboro Firemen's Supplemental Retirement System.
Referred to **Pensions and Retirement Committee.**

H.B. 191, a bill to make clarifying technical changes in the retirement and pension benefits for State and certain local government employees.
Referred to **Pensions and Retirement Committee.**

H.B. 261, a bill requiring approval for a sanitary landfill by the County or City where the landfill is to be located before approval of a permit by the Department of Human Resources can be given.
Referred to **Human Resources Committee.**

H.B. 270, a bill to make changes in the North Wilkesboro Firemen's Supplementary Fund.
Referred to **Pensions and Retirement Committee.**

H.B. 321, a bill to define the phrase "in service" as it pertains to the survivor's alternate benefit in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

H.B. 379, a bill to make aquatic weed control projects eligible for cost sharing.
Referred to **Environment Committee.**

H.B. 498, a bill to amend the definition of human service transportation.
Referred to **Transportation Committee.**

H.B. 514, a bill to amend G.S. 130A-335(c) and (d) concerning approval of local board of health sanitary sewage system rules.
Referred to **Human Resources Committee.**

H.B. 525, a bill to increase the Henderson Firemen's Supplemental Retirement System benefits.
Referred to **Pensions and Retirement Committee.**

H.B. 576, a bill to recodify and amend Part 18, Article 3, of Chapter 143B of the General Statutes concerning the Sickle Cell Program.
Referred to **Human Resources Committee.**

H.B. 913, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.
Referred to **Rules and Operation of the Senate Committee.**

RE-REFERRAL

H.B. 71 (Senate Committee Substitute), a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards.
On motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill is taken from the **Committee on Appropriations** and is placed on the Calendar for Monday, April 27.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 384, a bill to repeal the Charter of the inactive Town of Gold Point, upon third reading.
The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.
Voting in the negative: None.
The bill is ordered sent to the House of Representatives.

S.B. 387, a bill concerning voluntary satellite annexations by the City of Hickory, upon third reading.
The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--45.
Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 314, a bill to revise and consolidate the Charter of the Town of Wallace, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 327, a bill to modify Winston-Salem's power of eminent domain, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 339, a bill to make permanent a temporary act allowing electrofishing for catfish in a portion of the Cape Fear River in Bladen County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 360, a bill to permit the taking of foxes in Beaufort County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 427, a bill to limit the use of fish traps to take nongame fish in inland fishing waters in certain counties.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 421, a bill to permit all cities to participate in downtown development projects, upon third reading.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

Senator Somers offers Amendment No. 3 which fails of adoption (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Ward, Warren, and Winner--40.

Voting in the negative: Senators Johnson of Cabarrus, Kincaid, Martin of Pitt, Shaw, and Somers--5.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

April 23, 1987

S.B. 425, a bill to establish the purposes of the State Parks System, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 94, a bill to recodify the laws relating to fraternal benefit societies and fraternal orders, as amended.

The bill, as amended, passes its second reading (electronically recorded).

Senator Marvin offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 106 (Committee Substitute), a bill to make it clear that the testimony of an injured party as to the amount of medical charges only establishes a rebuttable presumption of the reasonableness of the amount of the medical charges as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 253, a bill to clarify the definition of "private club" in G.S. 130A-247.

The bill passes its second reading (electronically recorded). On objection of Senator Swain to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 254, a bill to amend the law governing sanitation of institutions and day-care facilities.

On motion of Senator Harris, Committee Amendment No. 1 is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 280, a bill to revise the license fees for hunting, trapping, and fishing, as amended.

Without objection, the Chair orders the bill, as amended, taken from the Calendar for today and placed on the Calendar for tomorrow, April 24.

S.B. 294, a bill to raise the level of expenditure on public building projects on which informal competitive bid procedures may be used.

On motion of Senator Sherron, consideration of the bill is postponed until tomorrow, April 24.

S.B. 370, a bill to amend certain Rules of Civil Procedure, as amended.

Senator Ezzell offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 372 (Committee Substitute), a bill to limit the liability of a trustee, officer, or director of a nonprofit corporation.

On motion of Senator Ezzell, consideration of the Committee Substitute bill is postponed until Tuesday, April 28.

H.B. 161 (Committee Substitute), a bill to require political committees to be labeled accurately.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

The Honorable Marshall A. Rauch, Senator from Gaston County and Presiding Officer of the Senate for today relinquishes the gavel to the Honorable J.J. Harrington, President *Pro Tempore*.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 78 (House Committee Substitute), an act to require adequate disclosure by continuing care facilities. (Ch. 83)

S.B. 167, an act to amend the provisions which forbid local board of health members to serve more than three consecutive three-year terms. (Ch. 84)

S.B. 175, an act to amend the Fayetteville City Charter regarding the benefits a retired city fireman is entitled to. (Ch. 85)

H.B. 129, an act to clarify the provisions of G.S. 31-42 relating to the devolution of a devise or legacy to individuals or members of a class predeceasing the testator as recommended by the General Statutes Commission. (Ch. 86)

H.B. 336, an act to authorize the City of Shelby to purchase natural gas by using informal bid procedures. (Ch. 87)

H.B. 631, an act to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act. (Ch. 88)

The Honorable J.J. Harrington, President *Pro Tempore*, relinquishes the gavel to Senator Rauch, who presides over the remaining portion of today's Session.

CALENDAR (Continued)

H.B. 204, a bill making technical corrections to the property tax statutes governing collection of property taxes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 344, a bill to permit taking crows with the aid of electronic calling devices.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 345 (Senate Committee Substitute), a bill to authorize Wildlife Enforcement Officers to enforce the littering law in Brunswick County.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 428, a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes, as amended, upon third reading.

Senator Barnes offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H.B. 4 (Committee Substitute), a bill to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act, as amended, with Amendment No. 2 pending, upon third reading.

Amendment No. 2, offered by Senator Simpson on March 11, is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

On motion of Senator Harrington, seconded by Senator Swain, the Senate adjourns to meet tomorrow at 10:00 A.M.

FIFTY-FOURTH DAY

SENATE CHAMBER,
Friday, April 24, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable J.J. Harrington, President *Pro Tempore*.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, we come together again to make decisions that affect the lives of all the people of North Carolina. We ask for Your help and guidance as we make them. We ask You to help us realize the value of listening to all our colleagues and others in our attempt to become well informed about both sides of each issue. Help us to realize and understand that we have the individual responsibility for being sure that each vote is in the best interest of the greatest number of people.

"Our Father in Heaven, we ask for these blessings in Thy Name. Amen."

Senator Rauch for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* grants leaves of absence to Senators Conder, Harris, Kaplan, Royall, and Thomas for today. Senator Richardson is granted a leave of absence for a portion of today's Session.

The Honorable J.J. Harrington, President *Pro Tempore*, relinquishes the gavel to the Honorable Marshall A. Rauch, Senator from Gaston County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee.**

S.B. 192, a bill to clarify the provisions of the Teacher Recruitment Program and to appropriate funds for the program, with a favorable report, as amended.

On motion of Senator Warren, the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 519, a bill relating to the appointment of members of the Lexington City Board of Education, with a favorable report, as amended.

By Senator Harrington for the **Rules and Operation of the Senate Committee.**

S.J.R. 181, a joint resolution to honor the life and memory of Russell F. Van Landingham, a former member of the General Assembly, with a favorable report.

H.B. 913, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives, with a favorable report.

By Senator Barnes for the **Judiciary I Committee.**

S.B. 404, a bill to provide that a deed shall contain a recitation of the grantor's source of title as recommended by the General Statutes Commission, with a favorable report.

On motion of Senator Barnes, the bill is placed on the Calendar for Tuesday, April 28.

S.B. 449, a bill to authorize and to regulate the withdrawal or transfer of an assumed name as recommended by the General Statutes Commission, with a favorable report.

S.B. 102, a bill to authorize the service of summonses in civil actions by any person who is not a party to the action and is not less than 18 years of age as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 102** (Committee Substitute), a bill to authorize the service of summons in civil actions by a notary public who is not a party to the action as recommended by the General Statutes Commission, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harrington:

S.B. 674, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Ezzell:

S.B. 675, a bill to appropriate funds to vigorous interventions in Ongoing Natural Settings, Inc., for renovations to Wright's Center.

Referred to **Appropriations Committee.**

By Senator Conder:

S.B. 676, a bill to provide for automobile insurance premium discounts for certain persons who complete accident prevention courses.
Referred to **Insurance Committee.**

By Senators Conder and Plyler:

S.B. 677, a bill to make counties with a population of less than 30,000 eligible for relocation payments for water and sewer lines located within the State highway right-of-way.
Referred to **Transportation Committee.**

By Senator Taft:

S.B. 678, a bill to allow courts to grant limited driving privileges for convicted provisional licensees.
Referred to **Judiciary II Committee.**

By Senator Sands:

S.B. 679, a bill to change the timing provision for entry of appeal when a motion for appropriate relief has been filed.
Referred to **Judiciary III Committee.**

By Senator Staton:

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits.
Referred to **Judiciary II Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 175 (Committee Substitute), a bill to amend the definition of caretaker in the Juvenile Code.
Referred to **Children and Youth Committee.**

H.B. 277 (Committee Substitute), a bill to provide a model code for procurement of architectural and engineering services by state and local governments.
Referred to **Judiciary IV Committee.**
On motion of Senator Sherron, and without objection, the Committee Substitute bill is withdrawn form the **Judiciary IV Committee** and placed on today's Calendar immediately preceding Committee Substitute for **S.B. 136.**

H.B. 389, a bill to amend the Fireman's Relief Fund to provide additional benefits.
Referred to **Pensions and Retirement Committee.**

H.B. 468, a bill to authorize the use of horns and warning devices on motor vehicles by the Division of Marine Fisheries.
Referred to **Transportation Committee.**

H.B. 480, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 74 and U.S. Highway 76 in Columbus County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 485, a bill to allow state law enforcement officers to purchase any weapon worn or carried by the officer when the state law enforcement agency changes the type of weapons used.
Referred to **Judiciary III Committee.**

H.B. 487, a bill to authorize the City Manager of Charlotte to reject bids when appropriate without action by the Charlotte City Council.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 520, a bill to appropriate funds from the Special Employment Administration Fund for the remainder of the 1986-87 fiscal year to collect and administer the tax levied by G.S. 96-9(b)(3)j.
Referred to **Appropriations Committee.**

H.B. 523, a bill to provide staggered terms for the Board of Commissioners of Lincoln County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 524, a bill to repeal the High Point Career Service Law.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 531, a bill to include in the list of those who shall be granted letters of administration, in order of priority, the next of kin of the decedent.
Referred to **Judiciary I Committee.**

H.B. 534, a bill to increase the membership of the Edgecombe County ABC Board and to provide for the appointment of the Chairman.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 555, a bill to authorize Currituck County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 586, a bill to amend the North Carolina Cemetery Act to enhance administration and protection of the public.
Referred to **Finance Committee.**

H.B. 606, a bill to provide that the Hyde County Board of Commissioners must appoint to fill a vacancy on the membership of that board, or in the offices of Sheriff or Register of Deeds, the person recommended by the political party executive committee of the vacating officer.
Referred to **Election Laws Committee.**

H.B. 610, a bill to authorize Pamlico County to dispose of property by private sale in connection with and installment purchase arrangement for construction of a social services building.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 613, a bill to permit the City of Oxford to collect a motor vehicle tax of not more than ten dollars.
Referred to **Finance Committee.**

H.B. 617, a bill to permit Caswell County to collect a motor vehicle tax of not more than fifteen dollars.
Referred to **Finance Committee.**

H.B. 618, a bill to provide that park rangers employed by the City of Henderson have the same jurisdicion as the city police.
Referred to **Judiciary IV Committee.**

H.B. 619, a bill to abolish the office of coroner in Caswell County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 644, a bill to reduce the number of publications required for Charlotte street closing hearings.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 661, a bill to authorize the Town of Boone to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 701, a bill to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund.
Referred to **State Government Committee.**

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina, for concurrence in House Amendments No. 1, No. 3, and No. 12, which is placed on the Calendar for Monday, April 27.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 277 (Committee Substitute), a bill to provide a model code for procurement of architectural and engineering services by state and local governments.
The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 136 (Committee Substitute), a bill to provide a model code for procurement of architectural and engineering services by State and local government.
On motion of Senator Sherron, consideration of the Committee Substitute bill is postponed until Wednesday, April 29.

S.B. 280, a bill to revise the license fees for hunting, trapping, and fishing, as amended.
Without objection, the Chair removes the bill, as amended, from the Calendar for today and places it on the Calendar for Monday, April 27.

S.B. 294, a bill to raise the level of expenditure on public building projects on which informal competitive bid procedures may be used.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 310, a bill to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 352, a bill to provide for service of parking violation citations.
The bill passes its second reading (electronically recorded).
On objection of Senator Swain to its third reading, the bill remains on the Calendar for Monday, April 27, for further consideration.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training.
On motion of Senator Staton, consideration of the bill is postponed until Wednesday, April 29.

S.B. 552, a bill authorizing the Governor or his designated representative to establish the qualifications for promotion and retention of members of the National Guard.
On motion of Senator Staton, consideration of the bill is postponed until Wednesday, April 29.

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service.
On motion of Senator Staton, consideration of the bill is postponed until Wednesday, April 29.

S.B. 569, a bill to amend law regarding setoff debt collection.

On motion of Senator Hunt of Durham, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 78 (Committee Substitute), a bill to allow the judge in sentencing for driving while impaired to credit the defendant with time served as an inpatient in a treatment facility.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 186, a bill to provide for short-term commitments of juveniles to local approved facilities.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 187, a bill to provide temporary secure custody for juveniles charged with certain misdemeanors.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina.

The Committee Substitute bill passes its second reading (electronically recorded).

On Objection of Senator Barnes to its third reading, the Committee Substitute bill remains on the Calendar for Tuesday, April 28, for further consideration.

H.B. 527, a bill to provide for technical amendments to the employment security law of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 253, a bill to clarify the definition of "private club" in G.S. 130A-247, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

RE-REFERRAL

S.B. 525, a bill to provide a supplemental retirement fund for firemen in the Town of Selma and to modify the application of G.S. 118-5, G.S. 118-6, and G.S. 118-7 to the Town of Selma.

Without objection, on motion of Senator Warren, the bill is taken from the **Local Government and Regional Affairs I Committee** and is re-referred to the **Pensions and Retirement Committee**.

Senator Rauch relinquishes the gavel to the Honorable J.J. Harrington, President *Pro Tempore*, who presides over a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 21, an act to conform the treatment of all income tax credits received by a corporation to the treatment of an income tax credit for property taxes. (Ch. 89)

S.B. 121 (Committee Substitute), an act to amend the parole eligibility requirements for committed youthful offenders sentenced under Chapter 90 of the General Statutes. (Ch. 90)

S.B. 207, an act to remove certain property from the corporate limits of the City of Raleigh. (Ch. 91)

S.B. 276, an act to provide that the University of North Carolina Center for Public Television is an eligible recipient under the art in State buildings program. (Ch. 92)

H.B. 204, an act making technical corrections to the property tax statutes governing collection of property taxes. (Ch. 93)

H.B. 314, an act to revise and consolidate the Charter of the Town of Wallace. (Ch. 94)

H.B. 327, an act to modify Winston-Salem's power of eminent domain. (Ch. 95)

H.B. 339, an act to make permanent a temporary act allowing electrofishing for catfish in a portion of the Cape Fear River in Bladen County. (Ch. 96)

H.B. 344, an act to permit taking crows with the aid of electronic calling devices. (Ch. 97)

H.B. 360, an act to permit the taking of foxes in Beaufort County. (Ch. 98)

H.B. 427, an act to limit the use of fish traps to take nongame fish in inland fishing waters in certain counties. (Ch. 99)

The Honorable J.J. Harrington, President *Pro Tempore*, relinquishes the gavel to the Honorable Marshall A. Rauch, Senator from Gaston County, who presides over the remaining portion of today's Session.

On motion of Senator Harrington, seconded by Senator Marvin, the Senate adjourns to meet Monday at 7:00 P.M.

FIFTY-FIFTH DAY

SENATE CHAMBER,
Monday, April 27, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by The Reverend Jon E. Strother, Associate Minister of Hayes Barton United Methodist Church, Raleigh, as follows:

"Merciful God, we pause now in prayer seeking to be renewed. The responsibilities of this day have taxed us physically, emotionally, spiritually.

"We confess our human frailties. As difficult as it is for us to admit, O God, we are weak. Yet in Your grace and mercy renew our lives and give us strength for the tasks set before us.

"Truly, You are the Potter, and we are the clay. Shape us now, loving God, into the persons You intend us to be; so we, the vessels of Your creation, may bring You honor and glory, both now, and forever. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Bryan, who is attending a Seminar on Victims' Rights in Statesville, for tonight.

The President grants courtesies of the gallery to Timothy H. McDowell, former Senator from Alamance County and to representatives of the Alamance Chamber of Commerce. Courtesies of the gallery are also extended to William L. McLaurin, former Mayor of Raleigh.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall, Vice-Chairman, for Senator Harrington for the **Rules and Operation of the Senate Committee.**

S.J.R. 357, a joint resolution authorizing the Legislative Research Commission to study the feasibility of a Wellness Program for State Employees, including a physical fitness facility, with a favorable report.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee.**

S.B. 359, a bill authorizing the Legislative Research Commission to study the management of low-level radioactive waste and appropriating funds for the study, with a favorable report.

On motion of Senator Royall, the bill is re-referred to the **Appropriations Committee.**

S.J.R. 360, a joint resolution to authorize the Legislative Research Commission to study day care, with a favorable report.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee.**

S.J.R. 362, a joint resolution authorizing the Legislative Research Commission to study the management of solid waste in North Carolina, with a favorable report.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee.**

S.B. 395, a bill creating a Veterans Cemetery Study Commission and appropriating funds for the study, with a favorable report.

On motion of Senator Royall, the bill is re-referred to the **Appropriations Committee.**

S.B. 396, a bill to name "milk" as the State Beverage of North Carolina, with a favorable report.

S.B. 424, a bill to create a Study Commission on State Parks and Recreation Areas, with a favorable report.

On motion of Senator Royall, the bill is re-referred to the **Appropriations Committee.**

S.J.R. 522, a joint resolution honoring the centennial of the Town of Southern Pines and the memory of its founders, with a favorable report.

S.B. 674, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, with a favorable report.

On motion of Senator Royall, the rules are suspended and the bill is placed before the Senate for immediate consideration. The bill passes its second (electronically

recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 12, a bill to provide for coded bill drafts, where the law to be amended is set out showing the deletions and insertions proposed by the bill, with a favorable report, as amended.

S.R. 472, a Senate resolution honoring the service of J. Robert Gordon to the North Carolina Wildlife Resources Commission and proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area in recognition of his service, with recommendation for adoption, as amended.

On motion of Senator Royall, the resolution is subsequently recommitted to the **Rules and Operation of the Senate Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 186, an act to provide for short-term commitments of juveniles to local approved facilities. (Ch. 100)

H.B. 187, an act to provide temporary secure custody for juveniles charged with certain misdemeanors. (Ch. 101)

H.B. 277 (Committee Substitute), an act to provide a model code for procurement of architectural and engineering services by State and local governments. (Ch. 102)

H.B. 527, an act to provide for technical amendments to the employment security law of North Carolina. (Ch. 103)

S.B. 658, an act authorizing the County of Cleveland to make unrestricted grants to incorporated municipalities in said County of Cleveland. (Ch. 104)

S.B. 216, an act to amend and clarify statutes contained in Chapter 90 of the General Statutes dealing with the definition of and regulation of cocaine. (Ch. 105)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

S.B. 681, a bill to make dependents of law enforcement officers, rescue squad workers, and firemen, killed or permanently disabled in the line of duty eligible for free tuition at any of the constituent institutions of the University of North Carolina.

Referred to **Higher Education Committee.**

By Senator Walker:

S.B. 682, a bill to increase the maximum fee the Board of Examiners in psychology may require for examinations under the Practicing Psychologists' Licensing Act.

Referred to **Finance Committee.**

By Senator Sherron:

S.B. 683, a bill to appropriate funds to build a concession stand at Falcon Park in Fuquay Varina.

Referred to **Appropriations Committee.**

By Senators Sherron and Smith:

S.B. 684, a bill relating to mopeds.
Referred to **Transportation Committee.**

By Senator Hardison:

S.B. 685, a bill to reform the insurance premium tax laws.
Referred to **Finance Committee.**

By Senator Hardison:

S.B. 686, a bill to provide premium tax relief for small insurance companies.
Referred to **Finance Committee.**

By Senators Soles and Rand:

S.B. 687, a bill to amend the North Carolina Shareholder Protection Act.
Referred to **Judiciary IV Committee.**

By Senators Soles and Rand:

S.B. 688, a bill making technical corrections in Chapter 88, Session Laws of 1987, the North Carolina Shareholder Protection Act.
Referred to **Judiciary IV Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 533, a bill to amend the Erwin Town Charter to permit annexation of areas lying within the corporate boundaries.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 537 (Committee Substitute), a bill to require tax information on deeds before they may be recorded in Mitchell County.
Referred to **Judiciary IV Committee.**

H.B. 623, a bill to allow Craven County to employ attachment or garnishment for ambulance services.
Referred to **Finance Committee.**

H.B. 626, a bill authorizing Henderson County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 629, a bill to authorize the Town of Blowing Rock to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 635, a bill to allow absentee voting conducted by the Mooresville Municipal Board of Elections.
Referred to **Election Laws Committee.**

H.B. 660, a bill to authorize the ABC Commission to close an insolvent ABC System.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 717, a bill to make technical changes in the ABC Statutes.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 747, a bill to require a water or sewer utility company to post a bond.
Referred to **Commerce Committee.**

S.B. 193 (House Committee Substitute), a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations, for concurrence in the House Committee Substitute bill.
Referred to **Judiciary I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 519, a bill relating to the appointment of members of the Lexington City Board of Education.
On motion of Senator Warren, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.J.R. 181, a joint resolution to honor the life and memory of Russell F. Van Landingham, a former member of the General Assembly.
The joint resolution passes its second reading (electronically recorded) and its third reading, with members standing, and is ordered without objection sent to the House of Representatives by special messenger.

S.B. 280, a bill to revise the license fees for hunting, trapping, and fishing, as amended.
Senator Kincaid offers Amendment No. 3.
Senator Rauch calls the previous question, seconded by Senator Harris. The call is sustained.
Amendment No. 3 fails of adoption (electronically recorded).
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 422, a bill to amend the Business Corporation Act to provide for the protection of public shareholders of North Carolina organized corporations from being coerced by certain business combination practices and to be designated the North Carolina Shareholder Protection Act.
On motion of Senator Soles, the bill is recommitted to the **Judiciary IV Committee.**

S.B. 449, a bill to authorize and to regulate the withdrawal or transfer of an assumed name as recommended by the General Statutes Commission.
The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 71 (Senate Committee Substitute), a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards, as amended.
The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 913, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 352, a bill to provide for service of parking violation citations, upon third reading.
The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina, for concurrence in House Amendments No. 1, No. 3, and No. 12.

On motion of Senator Swain, consideration of the bill is postponed (electronically recorded) until tomorrow, April 28.

WITHDRAWAL FROM COMMITTEE

H.B. 520, a bill to appropriate funds from the Special Employment Administration Fund for the remainder of the 1986-87 fiscal year to collect and administer the tax levied by G.S. 96-9(b)(3)j.

On motion of Senator Plyler, the rules are suspended and without objection, the bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Jason Tate Benson, Four Oaks; William Andrew Burris, Greensboro; Afiya Z. N. Carter, Durham; Blaire Nichol Creech, Tarboro; John Edwin Dosser, Wadesboro; Meredith Griffin, Raleigh; Christopher Thomas Hampton, Raleigh; Angela Michelle Hudson, Tarboro; Virginia Jenkins, Tarboro; Mary Lynn McGregor, Nashville; David Andrew Tannehill Price, Raleigh; Tammi Lynn Ringenbach, Raleigh; Doris Vera Scarboro, Raleigh; Marcia Louise Sherrod, Tarboro; Patricia Anne Sumrell, Raleigh; Laura Doris Swinson, Mt. Olive; Kelvin Bradley Watkins, Rockingham; and William Byrd Wooten, Tarboro.

The President announces a joint session of the Senate and House of Representatives at 1:30 P.M., Tuesday, April 28, for the purpose of acting upon the confirmation of the Governor's Appointees to the State Board of Education, the State Controller, and Commissioner of Banks.

On motion of Senator Royall, seconded by Senator Kaplan, the Senate adjourns to meet tomorrow at 1:15 P.M.

FIFTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, April 28, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, Thou Who art our refuge and our strength, we lift up this day all those in the General Assembly and in our State who have special needs.

"Be with all who grieve the loss of a loved one and give them that peace which the world can neither give nor take away.

"Be with those who are weary and heavy laden and cause them to hear Thee say, 'Come unto Me all you who labor and are heavy laden, and I will give you rest.'

"Be with all who have been battered and bruised by life. Relieve the hurting of their souls, heal the bruises of their bodies, and give them hope for a brighter tomorrow.

"Be with all who are anxious and troubled. Lead them beside still waters, calm their spirits, and renew their strength.

"Be with all who are sick and work Thy healing powers in them.

"Be with all who are unemployed. Help them to retain a sense of self-worth and give them hope for meaningful employment in the days that lie ahead.

"Minister to all these Thy children and give to each of us hearts of compassion that we too may reach out to them with love, affirmation, kindness, and support. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Staton who is attending a meeting of the Board of Directors of the Golden Corral Corporation, and to Senator Plyler.

Senator Staton is noted present for a portion of today's session.

The President grants courtesies of the floor to Dallas L. Alford, Jr., former Senator from Nash County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 126, an act to regulate the adoption of voting systems by local governments. (Ch. 106)

H.B. 236 (Committee Substitute), an act to provide that electric and telephone membership corporations may indemnify directors, officers, employees, or agents to the same extent as nonprofit corporations. (Ch. 107)

H.B. 520, an act to appropriate funds from the Special Employment Administration Fund for the remainder of the 1986-87 fiscal year to collect and administer the tax levied by G.S. 96-9(b)(3)j. (Ch. 108)

H.B. 913, an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 109)

S.B. 674, an act to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 110)

S.J.R. 181, a joint resolution to honor the life and memory of Russell F. Van Landingham, a former member of the General Assembly. (Res. 16)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee.**

S.B. 260, a bill to require General Assembly review and approval of all changes in ceiling changes in the airspace over North Carolina, with a favorable report.

S.B. 506, a bill to make various changes in the law relating to registers of deeds, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

S.B. 687, a bill to amend the North Carolina Shareholder Protection Act, with a favorable report, as amended.

Senator Soles offers a motion that the rules be suspended to the end that the bill be placed before the Senate for immediate consideration.

The bill is temporarily displaced, with the motion pending.

S.B. 343, a bill to provide that a business shall make available information needed to locate an absent parent for the purpose of collecting child support, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Friday, May 1, for further consideration.

S.B. 358, a bill clarifying that unemployment compensation benefits may be administratively withheld in IV-D child support cases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Friday, May 1, for further consideration.

The hour having arrived for the Joint Session of the Senate and House of Representatives as announced yesterday, April 27, pursuant to **S.J.R. 144**, a joint resolution providing that the Speaker of the House of Representatives and the President of the Senate may, during the 1987 Regular Session, provide for joint sessions of both Houses to act on confirmation of nominees or appointments, for the purpose of acting upon the confirmation of the appointments by the Governor of the Commissioner of Banks, the State Controller, and members of the State Board of Education, the President orders a message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.J.R. 144

House of Representatives
April 28, 1987

Mr. President:

Pursuant to SJR 144, "A JOINT RESOLUTION PROVIDING THAT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE MAY, DURING THE 1987 REGULAR SESSION, PROVIDE FOR JOINT SESSIONS OF BOTH HOUSES TO ACT ON CONFIRMATION OF NOMINEES OR APPOINTMENTS," it is ordered that a message be sent your Honorable body with the information that the House of Representatives stands ready to receive the Senate in Joint Session, at 1:30 p.m., for the purpose of confirming, the Governor's nominees, as Commissioner of the North Carolina State Banking Commission, the Controller of North Carolina, and to the North Carolina Board of Education.

Respectfully,
s/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion,

upon dissolution of the Joint Session to return to the Senate Chamber for consideration of further business.

JOINT SESSION

The Senate is received by the members of the House of Representatives, standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III, President of the Senate.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call:

Senators Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

The call of the roll of the House of Representatives is taken electronically and the following members answer the call:

Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Boyd, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, N.J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fitch, Fletcher, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Holmes, Holt, Huffman, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Sizemore, Stamey, Tallent, Tart, R. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Wicker, Wilmoth, Windley, Wiser, and Woodard--106.

The President of the Senate declares a quorum present and announces the first order of business, it being the confirmation of the appointment by the Governor of the State Controller.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 6, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor
State Legislative Office Building
Raleigh, North Carolina 27611

Re: Appointment of State Controller

Dear Lieutenant Governor Jordan:

Pursuant to N.C.G.S. 143B-426.37, I hereby appoint Dr. Farris W. Womack of Orange County, North Carolina, to be State Controller for the term beginning July 1,

1987, and expiring June 30, 1994, subject to confirmation by the General Assembly. I hereby submit his name to the General Assembly for confirmation.

I have previously appointed Dr. Womack to serve until July 1, 1987, pursuant to G. S. 143B-426.37(b).

Sincerely,
s/James G. Martin
Governor

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 6, 1987

The Honorable Liston B. Ramsey
Speaker
House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Re: Appointment of State Controller

Dear Mr. Speaker:

Pursuant to N.C.G.S. 143B-426.37, I hereby appoint Dr. Farris W. Womack of Orange County, North Carolina, to be State Controller for the term beginning July 1, 1987, and expiring June 30, 1994, subject to confirmation by the General Assembly. I hereby submit his name to the General Assembly for confirmation.

I have previously appointed Dr. Womack to serve until July 1, 1987, pursuant to G. S. 143B-426.37(b).

Sincerely,
s/James G. Martin
Governor

Senator Guy, Chairman of the State Government Committee of the Senate, submits the following report:

In compliance with the provisions of G.S. 143B-426.37, requiring that the appointee to the Office of State Controller be subject to confirmation by the General Assembly, Governor Martin has submitted for confirmation the following name:

Dr. Farris W. Womack of Orange County

The Senate Committee on State Government has considered the appointee, has found him to be qualified by education and experience for the office, and makes the following recommendation:

> That the appointment of Dr. Farris W. Womack to the Office of State Controller for the term beginning July 1, 1987, and expiring June 30, 1994, be confirmed.

Senator Guy offers a motion that the Senate do confirm the appointment of Dr. Farris W. Womack as State Controller. The motion prevails by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt

of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The President of the Senate relinquishes the gavel to Speaker Ramsey.

Representative Hightower, Chairman of the State Government Committee of the House of Representatives, submits the following report:

In compliance with the provisions of N.C.G.S. 143B-426.37 that the appointment of the State Controller be subject to confirmation by the General Assembly, Governor Martin has submitted for confirmation by the General Assembly the following name:

> Dr. Farris W. Womack of Orange County for the term beginning July 1, 1987, and expiring June 30, 1994.

The House State Government Committee has considered the nominee and makes the following recommendation:

> That the nomination of Dr. Farris W. Womack as State Controller, be confirmed.

Representative Hightower offers a motion that the House of Representatives do confirm the appointment of Dr. Farris W. Womack as State Controller. The motion prevails by roll-call vote, ayes 114, noes 0, as follows:

Those voting in the affirmative are: Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Boyd, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, J.W. Crawford, N.J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fitch, Fletcher, Freeman, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tallent, Tart, R. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright--114.

Voting in the negative: None.

The Speaker of the House of Representatives relinquishes the gavel to Lieutenant Governor Jordan.

Having received an affirmative majority vote of both Houses, the President of the Senate announces the appointment of Dr. Farris W. Womack as State Controller for a term to expire June 30, 1994, is confirmed.

The President of the Senate announces the second order of business is the confirmation of appointments by the Governor to the State Board of Education.

The President of the Senate directs the Reading Clerk of the Senate to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 17, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina 27611

Dear Lieutenant Governor Jordan:

I hereby transmit to you the names of the following persons appointed by me to the State Board of Education and submit them to the General Assembly for confirmation, pursuant to North Carolina General Statute Section 115C-10.

1. Patricia H. Neal
   Durham County
   At-large member

2. William C. Meekins
   Pasquotank County
   Education District No. 1

3. Howard H. Haworth
   Burke County
   Education District No. 7

Thank you in advance for your assistance on this matter.

Sincerely.
s/James G. Martin
Governor

Senator Warren, Chairman of the Education Committee of the Senate, submits the following report:

In compliance with the provisions of Article IX, Sec. 4, of the N. C. Constitution, and G.S. 115C-10 requiring that appointees to the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Martin has submitted for confirmation by the General Assembly the following names:

Howard H. Haworth
William C. Meekins, Jr.
Patricia H. Neal

The Senate Committee on Education has considered the appointees and makes the following recommendation to the Joint Session:

> That the appointments of Howard H. Haworth, William C. Meekins, Jr., and Patricia H. Neal to the State Board of Education be confirmed.

Senator Warren offers a motion that the Senate do confirm the appointment of Patricia H. Neal as a member-at-large of the State Board of Education. The motion prevails by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt

of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

Senator Warren offers a motion that the Senate do confirm the appointment of William C. Meekins, Jr., as the member representing Education District No. 1 on the State Board of Education. The motion prevails by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

Senator Warren offers a motion that the Senate do confirm the appointment of Howard H. Haworth as the member representing Education District No. 7 on the State Board of Education. The motion prevails by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The President of the Senate relinquishes the gavel to Speaker Ramsey.

The Speaker of the House of Representatives directs the Reading Clerk of House to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 17, 1987

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
N. C. General Assembly
Raleigh, North Carolina 27611

Dear Speaker Ramsey:

I hereby transmit to you the names of the following persons appointed by me to the State Board of Education and submit them to the General Assembly for confirmation, pursuant to North Carolina General Statute Section 115C-10.

1. Patricia H. Neal
   Durham County
   At-large member

2. William C. Meekins
   Pasquotank County
   Education District No. 1

3. Howard H. Haworth
Burke County
Education District No. 7

Thank you in advance for your assistance on this matter.

Sincerely.
s/James G. Martin
Governor

Representative Fussell, Chairman of the **Education Committee** of the House of Representatives submits the following report:

In compliance with North Carolina General Statute Section 115C-10, that nominees Patricia H. Neal, William C. Meekins, Jr., and Howard Haworth be appointed to the State Board of Education, subject to confirmation by the General Assembly in Joint Session, the Committee on Education submits the following recommendation:

To confirm XX
Not to confirm

Representative Fussell offers a motion that the House of Representatives do confirm the appointment of Patricia H. Neal as a member-at-large of the State Board of Education. The motion prevails by roll-call vote, ayes 116, noes 0, as follows:

Voting in the affirmative are: Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Bowen, Bowman, Boyd, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Bumgardner, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, J.W. Crawford, N.J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fitch, Fletcher, Freeman, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tallent, Tart, R. Thompson, S. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright - 116.

Voting in the negative: None.

Representative Fussell offers a motion that the House of Representatives do confirm the appointment of William C. Meekins, Jr. as the member representing Education District No. 1 on the State Board of Education. The motion prevails by roll-call vote, ayes 115, noes 1, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Bowen, Bowman, Boyd, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Bumgardner, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, J.W. Crawford, N.J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fletcher, Freeman, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye,

Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tallent, Tart, R. Thompson, S. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright--115.

Voting in the negative: Representative Fitch--1.

Representative Fussell offers a motion that the House of Representatives do confirm the appointment of Howard H. Haworth as the member representing Education District No. 7 on the State Board of Education. The motion prevails by roll-call vote, ayes 113, noes 2, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Boyd, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Bumgardner, Chalk, Chapin, Church, Cochrane, Colton, Cooper, J.W. Crawford, N.J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fletcher, Freeman, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tallent, Tart, R. Thompson, S. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright--113.

Voting in the negative: Representatives Burke and Fitch--2.

The Speaker of the House of Representatives relinquishes the gavel to the President of the Senate.

Having received an affirmative majority vote of both Houses, the President of the Senate announces the appointments of Patricia H. Neal as a member-at-large, William C. Meekins, Jr. representing Education District No. 1, and Howard H. Haworth representing Education District No. 7 to the State Board of Education are confirmed.

The President of the Senate announces the last order of business to come before this Joint Session is the confirmation of the appointment by the Governor of William T. Graham as Commissioner of Banks.

The President of the Senate relinquishes the gavel to Speaker Ramsey.

The Speaker of the House of Representatives directs the Reading Clerk of the House to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

March 23, 1987

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
State Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Commissioner of Banks

Dear Speaker Ramsey:

Pursuant to North Carolina General Statute Section 53-92, I hereby appoint William T. Graham, Forsyth County, North Carolina as Commissioner of Banks to serve a

term Beginning April 1, 1987, and expiring March 31, 1991, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

Representative Fletcher, Chairman of the Banks and Thrift Institutions Committee of the House of Representatives, submits the following report:

In compliance with North Carolina General Statute Section 53-92, that nominee William T. Graham, fill the position of Commissioner of Banks, subject to confirmation by the General Assembly in Joint Session, the Committee on Banks and Thrift Institutions submits the following recommendation:

To confirm XX
Not to confirm _____

Representative Fletcher offers a motion that the House of Representatives do confirm the appointment of William T. Graham as Commissioner of Banks. The motion prevails by roll-call vote, ayes 117, noes 0, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Abernethy, Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Boyd, Brannan, Brawley, B. Brown, J. Brown, Brubaker, Buchanan, Bumgardner, Burke, Chalk, Chapin, Church, Cochrane, Colton, Cooper, J.W. Crawford, N.J. Crawford, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fitch, Fletcher, Freeman, Fussell, Gardner, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Kerr, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Nye, Owens, Payne, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Rogers, Sizemore, Stamey, Starnes, Tallent, Tart, R. Thompson, S. Thompson, Tyndall, Walker, Warner, E. Warren, R. Warren, Watkins, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright--117.

Voting in the negative: None.

The Speaker of the House of Representatives relinquishes the gavel to Lieutenant Governor Jordan.

The President of the Senate directs the Reading Clerk of the Senate to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611C

March 23, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor
State Legislative Building
Raleigh, North Carolina 27611

Re: North Carolina Commissioner of Banks

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 53-92, I hereby appoint William T. Graham, Forsyth County, North Carolina as Commissioner of Banks to serve a

term Beginning April 1, 1987, and expiring March 31, 1991, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,
s/James G. Martin
Governor

Senator Hardison, Chairman of the **Commerce Committee** of the Senate, submits the following report:

In compliance with the provisions of G.S. 53-92 requiring that appointees to the office of Commissioner of Banks shall be subject to confirmation by the General Assembly in Joint Session, Governor Martin has submitted for confirmation by the General Assembly the following name:

William Thomas Graham

The Senate Committee on Commerce has considered the appointee and makes the following recommendation to the Joint Session:

That the appointment of William Thomas Graham as Commissioner of Banks be confirmed.

Senator Hardison offers a motion that the Senate do confirm the appointment of William T. Graham as Commissioner of Banks. The motion prevails by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

Having received an affirmative majority vote of both Houses, the President of the Senate announces the appointment of William T. Graham as Commissioner of Banks for the State of North Carolina for a term to expire March 31, 1991, is confirmed.

The President of the Senate orders the Governor notified of the actions of the General Assembly taken this date sitting in Joint Session upon the confirmation of appointments.

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular order of business.

COMMITTEE REPORTS (Continued)

By Senator Ezzell for the **Local Government and Regional Affairs I Committee.**

S.B. 407, a bill to allow Sampson County and municipalities located therein to engage in economic development activities, with a favorable report.

S.B. 435, a bill to authorize Mecklenburg County to provide notice by publication for amendments to the zoning ordinance, with a favorable report.

S.B. 436, a bill to authorize Mecklenburg County to withhold future approvals from a person with outstanding zoning and subdivision ordinance violations, with a favorable report.

S.B. 437, a bill to authorize Mecklenburg County to require dedication of recreational areas and facilities as a condition to permit approval, with a favorable report.

S.B. 438, a bill relating to zoning in Mecklenburg County and the City of Charlotte, with a favorable report.

S.B. 439, a bill to authorize the Charlotte-Mecklenburg Planning Commission to hold the public hearing for amendments to zoning boundaries and maps and major planned development permits, with a favorable report.

S.B. 441, a bill to authorize Mecklenburg County to provide notice by publication for a comprehensive zoning reclassification, with a favorable report.

S.B. 442, a bill to authorize the City of Charlotte to withhold future approvals from a person with outstanding zoning and subdivision ordinance violations, with a favorable report.

S.B. 443, a bill to authorize the City of Charlotte to provide notice by publication for amendments to the zoning ordinance, with a favorable report.

S.B. 444, a bill to authorize the City of Charlotte to provide notice by publication for a comprehensive zoning reclassification, with a favorable report.

S.B. 445, a bill to authorize the City of Charlotte to require dedication of recreational areas and facilities as a condition to permit approval, with a favorable report.

S.B. 446, a bill to authorize a majority vote of the zoning board of adjustment for the City of Charlotte, with a favorable report.

S.B. 448, a bill to authorize the City of Charlotte and Mecklenburg County to create a development code enforcement board, with a favorable report.

S.B. 492, a bill to authorize municipalities within Gaston County to enter into agreements concerning annexations, with a favorable report.

S.B. 580, a bill to expand the Polk County Development Commission, with a favorable report.

S.B. 610, a bill to further clarify the authority of the City of Durham to make grants and loans for economic development serving the needs of persons of low and moderate income, with a favorable report.

S.B. 618, a bill to amend the Charter of the City of Sanford, with a favorable report.

S.B. 636, a bill to permit Nash County to appropriate additional funds for industrial development, with a favorable report.

H.B. 366, a bill to allow digging of ditches in Bladen County below a certain level for storm or drainage sewer lines, with a favorable report.

S.B. 440, a bill to authorize Mecklenburg County to file with the register of deeds a notice of special conditions attached to the zoning of the property, with a favorable report, as amended.

April 28, 1987

S.B. 447, a bill to amend G.S. 160A-381 to authorize the City of Charlotte to file with the register of deeds a notice of special conditions attached to the zoning of the property, with a favorable report, as amended.

S.B. 514, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an airport authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said airport authority all powers set out in Chapter 63 of the General Statutes of North Carolina, with a favorable report, as amended.

S.B. 629, a bill to provide that the Town of Maiden and the County of Catawba need not mail zoning notices for a revision of the complete zoning ordinance or map, with a favorable report, as amended.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee.**

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, with a favorable report.

H.B. 443, a bill to provide that the general law regarding setting the official bond of the Sheriff shall apply to Guilford County, with a favorable report.

H.B. 469, a bill to authorize Clay, Graham, Jackson, and Macon Counties to create travel and tourism authorities and to remit the county occupancy tax proceeds to the authorities to promote travel and tourism, with a favorable report.

H.B. 481, a bill to change the procedure used by Wayne County in altering the structure of the Board of Commissioners, with a favorable report.

H.B. 483, a bill concerning the construction of a building by the Alamance-Caswell Area Mental Health, Mental Retardation and Substance Abuse Authority, with a favorable report.

H.B. 484, a bill to permit the City of Burlington to convey at private sale to the Allied Churches of Alamance County, Inc., the old City of Burlington Police Building and certain adjacent property, with a favorable report.

H.B. 502, a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees for police department capital improvements, with a favorable report.

On motion of Senator Hunt of Moore, the bill is re-referred to the **Finance Committee.**

H.B. 505, a bill to exempt the County of Stokes from certain zoning notice requirements, with a favorable report.

H.B. 508, a bill to allow additional time for the City of Charlotte to adopt city regulations for newly annexed areas or extension of the City's jurisdiction, with a favorable report.

S.B. 290, a bill to amend the Charter of the City of Charlotte relating to the establishment of contract specification requirements, with a favorable report, as amended.

By Senator Johnson of Wake for the **Judiciary II Committee.**

S.B. 245, a bill to promote peer review activities of health care providers and to require risk management programs and hospital privilege procedures in hospitals, with a favorable report, as amended.

By Senator Parnell for the **Insurance Committee.**

S.B. 466, a bill to extend the sunset provision in the Risk Sharing Plan Act of 1986, with a favorable report.

By Senator Swain for the **Judiciary III Committee.**

S.B. 679, a bill to change the timing provision for entry of appeal when a motion for appropriate relief has been filed, with a favorable report.

H.B. 188 (Committee Substitute), a bill to clarify the law regarding detention of a juvenile bound over to Superior Court, with a favorable report.

H.B. 485, a bill to allow state law enforcement officers to purchase any weapon worn or carried by the officer when the state law enforcement agency changes the type of weapons used, with a favorable report.

By Senator Martin of Guilford for the **Higher Education Committee.**

S.B. 488, a bill to extend the terms of office of trustees in the Community College System and to provide for staggered terms of appointments, with a favorable report.

S.B. 36, a bill to convert Nash, Edgecombe, and Richmond Technical Colleges to Community Colleges, with a favorable report, as amended.

On motion of Senator Martin of Guilford, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1, which changes the title to read, **S.B. 36**, a bill to convert Nash, Edgecombe, Cleveland and Richmond Technical Colleges to Community Colleges, is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 429, a bill to regulate conversion of institutions in the Community College System, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee.**

S.B. 575, a bill to provide for cooperation between state, local and federal law enforcement agencies in special undercover operations, with a favorable report.

S.B. 607, a bill to modify and expand the distribution by the Office of Administration Hearings of the North Carolina register and other documents, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **Finance Committee.**

H.B. 359, a bill to provide that a dealer is not required to keep sales records of pistol cartridges, with a favorable report.

S.B. 687, a bill to amend the North Carolina Shareholder Protection Act, reported from the **Judiciary IV Committee** today and is temporarily displaced.

The motion of Senate Soles to suspend the rules and place the bill before the Senate for immediate consideration prevails, without objection.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rand:

S.B. 689, a bill to allow the Supreme Court to designate a commercial publication as the Official Reports of the Appellate Division, or allow a contract for publication of those reports.
Referred to **Judiciary IV Committee.**

By Senators Hipps and Thomas:

S.B. 690, a bill to appropriate funds for a multi-purpose educational building at the Mountain Research Station in Waynesville.
Referred to **Appropriations Committee.**

By Senators Hipps, Allran, and Tally:

S.B. 691, a bill to eliminate statewide standardized testing of children in the first and second grades.
Referred to **Education Committee.**

By Senators Rand, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Richardson, Royall, Sands, Seymour, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 692, a bill regarding the adulteration or misbranding of food, drugs, or cosmetics with intent to cause serious injury or death.
Referred to **Judiciary IV Committee.**

By Senators Plyler, Rand, and Conder:

S.B. 693, a bill to honor the service of J. Robert Gordon to the North Carolina Wildlife Resources Commission and proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area in recognition of his service.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Shaw:

S.B. 694, a bill to prohibit students from standing on school buses.
Referred to **Education Committee.**

By Senators Rauch, Plyler, Marvin, and Harris:

S.B. 695, a bill to appropriate funds for start-up costs and operating expenses of Gaston Residential Services, Inc.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 513, a bill to clarify the Nursing Home Bill of Rights regarding nursing home beds being available on return from the hospital.
Referred to **Human Resources Committee.**

H.B. 607, a bill to make technical amendments regarding apportionment of the federal estate tax burden.

Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 372 (Committee Substitute), a bill to limit the liability of a trustee, officer, or director of a nonprofit corporation.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until tomorrow, April 29.

S.B. 396, a bill to name "milk" as the State Beverage of North Carolina.

On motion of Senator Rand, consideration of the bill is postponed until tomorrow, April 29.

S.B. 404, a bill to provide that a deed shall contain a recitation of the grantor's source of title as recommended by the General Statutes Commission.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

Senator Ezzell calls the previous question, seconded by Senator Smith. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.J.R. 522, a joint resolution honoring the centennial of the Town of Southern Pines and the memory of its founders.

On motion of Senator Hunt of Moore, consideration of the joint resolution is postponed until Monday, May 11.

H.B. 12, a bill to provide for coded bill drafts, where the law to be amended is set out showing the deletions and insertions proposed by the bill.

On motion of Senator Barnes, consideration of the bill is postponed until tomorrow, April 29.

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until tomorrow, April 29.

S.B. 164, a bill to provide for the sale of clean detergents in North Carolina, for concurrence in House Amendments No. 1, No. 3, and No. 12.

On motion of Senator Walker, the Senate concurs (electronically recorded) in House Amendments No. 1, No. 3, and No. 12, and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Staton, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, April 29, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Joseph Bethea, Raleigh District Superintendent of the North Carolina Conference of the United Methodist Church, as follows:

"Almighty God, Creator of all that was, that is, and that ever is to come; we give You thanks for who we are and what we have. These are gifts of Your abiding love and, while we do not always give voice to it, deep in our hearts, we are grateful.

"Bless our Lieutenant Governor and the Members and staff of the Senate of North Carolina that, in their deliberations, they may seek both what is best for Your people and right in Your sight and grant that we may have the wisdom and insight to understand that Your will and the people's good need never be in conflict. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harrington, Kincaid, and Taft for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

Without objection, the Chair announces that all bills reported from Committee today are placed on the Calendar for Friday, May 1, except **S.J.R. 540**, a joint resolution honoring the memory of H. Vinson Bridgers, former State Senator and **S.J.R. 583**, a joint resolution honoring the life and memory of Cameron S. Weeks, former member of the North Carolina General Assembly, which are placed on the Calendar for tomorrow, April 30.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

S.B. 600, a bill to provide monies for research relating to the cause and remedy for the fish disease ulcerated mycosis, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Appropriations Committee.**

H.B. 404, a bill to authorize the taking of black bears in certain counties, with a favorable report.

H.B. 536, a bill regulating hunting in Greene County, with a favorable report.

H.B. 599, a bill to amend G.S. 113-273 with respect to wild turkeys held under a game bird propagation license, with a favorable report.

H.B. 602, a bill to amend G.S. 113-291.1 relating to the manner of taking migratory game birds, with a favorable report.

S.B. 576, a bill to amend the North Carolina Geologists Licensing Act, with a favorable report, as amended.

On motion of Senator Sands, the bill is placed on the Calendar for Monday, May 4.

By Senator Royall, Vice-Chairman, for Senator Harrington, for the **Rules and Operation of the Senate Committee:**

S.J.R. 540, a joint resolution honoring the memory of H. Vinson Bridgers, former State Senator, with a favorable report.

S.J.R. 583, a joint resolution honoring the life and memory of Cameron S. Weeks, former member of the North Carolina General Assembly, with a favorable report.

By Senator Rauch for the **Finance Committee:**

S.B. 138, a bill to authorize Moore County to levy a room occupancy tax, with a favorable report.

S.B. 299, a bill to provide a special migratory waterfowl hunting license and to prescribe the penalty for migratory game bird violations, with a favorable report.

H.B. 108, a bill to extend from three to five years the time for demanding property tax refunds, with a favorable report.

H.B. 305, a bill to authorize Yancey County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 403, a bill to change the method by which property owned by a nonprofit homeowners' association is taxed, with a favorable report.

H.B. 420, a bill to authorize Mitchell County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 429, a bill to authorize the levy of a room occupancy and tourism development tax in Averasboro Township in Harnett County, with a favorable report.

H.B. 540, a bill to authorize Pitt County to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 263, a bill to provide authority to establish laboratory certification fees, with a favorable report, as amended.

S.B. 113, a bill to provide a State income tax credit to employers who create jobs in severely distressed counties of the State, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Friday, May 1.

By Senator Seymour for the **Alcoholic Beverage Control Committee:**

S.B. 479, a bill to permit the issuance of brown-bagging permits to veterans organizations, with a favorable report.

H.B. 296, a bill to change the distribution of the net profits from the Madison and the Reidsville ABC Stores, with a favorable report.

H.B. 394, a bill to change the distribution of profits from the ABC stores in Sunset Beach, with a favorable report.

H.B. 660, a bill to authorize the ABC Commission to close an insolvent ABC System, with a favorable report.

H.B. 717, a bill to make technical changes in the ABC Statutes, with a favorable report.

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 246, a bill to authorize the Commissioner of Insurance to conduct closed claim studies of medical malpractice claims, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 246** (Committee Substitute), a bill to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Friday, May 1.

By Senator Goldston for the **Transportation Committee**:

S.B. 397, a bill to provide for driveway permit processes, with a favorable report.

RE-REFERRALS

S.B. 612, a bill to repeal the laws relating to trademarks of mineral waters and beverages.

Without objection, on motion of Senator Seymour the bill is taken from the **Alcoholic Beverage Control Committee** and re-referred to the **Judiciary III Committee**.

S.B. 214, a bill to provide for the election of district and superior court judges on a nonpartisan basis, and provide for the election of superior court judges in their districts.

Without objection, on motion of Senator Kaplan the bill is taken from the **Election Laws Committee** and re-referred to the **Judiciary IV Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 164, an act to provide for the sale of clean detergents in North Carolina. (Ch. 111)

H.B. 4 (Committee Substitute), an act to permit the Agricultural Finance Authority to engage in certain investments, and to temporarily exempt it from the Administrative Procedure Act. (Ch. 112)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ezzell:

S.B. 696, a bill to refer pending incorporation bills to the Joint Legislative Commission on Municipal Incorporations.

Referred to **Local Government and Regional Affairs I Committee**.

By Senator Hardison:

S.B. 697, a bill to eliminate consent to rate for professional liability insurance increases.
Referred to **Insurance Committee.**

By Senators Martin of Guilford and Guy:

S.B. 698, a joint resolution authorizing the Legislative Research Commission to study reimbursement for preventive health care.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Martin of Guilford, Conder, Hipps, and Rand:

S.B. 699, a bill to enact the school and student improvement program.
Referred to **Education Committee.**

By Senator Harris:

S.B. 700, a bill to permit the Department of Human Resources to enter into interstate reciprocal agreements for the transfer of driving under the influence offenders.
Referred to **Judiciary III Committee.**

By Senator Rauch:

S.B. 701, a bill to establish a septage management program in the Department of Human Resources.
Referred to **Human Resources Committee.**

By Senators Royall, Ezzell, Hunt of Moore, Marvin, Sherron, Smith, and Ward:

S.B. 702, a bill to coordinate the various post-retirement benefits for law enforcement officers and to redistribute criminal court cost receipts for these purposes.
Referred to **Pensions and Retirement Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 441 (Committee Substitute), a bill to allow certain named municipalities to dispose of agricultural commodities in any manner regardless of its value.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 552, a bill to extend the corporate limits of the Town of Rutherfordton.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 554, a bill to revise and consolidate the Charter of the City of Kinston.
Referred to **Local Government and Regional Affairs I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 407, a bill to allow Sampson County and municipalities located therein to engage in economic development activities, upon second reading.
The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin

of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 438, a bill relating to zoning in Mecklenburg County and the City of Charlotte, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 492, a bill to authorize municipalities within Gaston County to enter into agreements concerning annexations, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 514, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an airport authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said airport authority all powers set out in Chapter 63 of the General Statutes of North Carolina, upon second reading.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted. The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch,

Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 610, a bill to further clarify the authority of the City of Durham to make grants and loans for economic development serving the needs of persons of low and moderate income, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 618, a bill to amend the Charter of the City of Sanford, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for Friday, May 1, for further consideration upon third reading.

S.B. 260, a bill to require General Assembly review and approval of all changes in special use airspaces in the airspace over North Carolina.

On motion of Senator Soles, the bill is recommitted to the **Judiciary IV Committee.**

S.B. 629, a bill to provide that the Town of Maiden and the County of Catawba need not mail zoning notices for a revision of the complete zoning ordinance or map, upon second reading.

On motion of Senator Ezzell, Committee Amendment No. 1, held to be material and changing the title to read **S.B. 629**, a bill to provide that the Counties of Alexander, Catawba, Iredell, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map, is adopted, constituting the first reading of the bill, as amended.

On motion of Senator Allran, consideration of the bill, as amended, upon second reading, is postponed until Tuesday, May 5.

H.B. 505, a bill to exempt the County of Stokes from certain zoning notice requirements.

On motion of Senator Sands, consideration of the bill is postponed until Monday, May 4.

S.B. 290, a bill to amend the Charter of the City of Charlotte relating to the establishment of contract specification requirements.

On motion of Senator Hunt of Moore, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 435, a bill to authorize Mecklenburg County to provide notice by publication for amendments to the zoning ordinance.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 436, a bill to authorize Mecklenburg County to withhold future approvals from a person with outstanding zoning and subdivision ordinance violations.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 437, a bill to authorize Mecklenburg County to require dedication of recreational areas and facilities as a condition to permit approval.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 439, a bill to authorize the Charlotte-Mecklenburg Planning Commission to hold the public hearing for amendments to zoning boundaries and maps and major planned development permits.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 440, a bill to authorize Mecklenburg County to file with the register of deeds a notice of special conditions attached to the zoning of the property.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 441, a bill to authorize Mecklenburg County to provide notice by publication for a comprehensive zoning reclassification.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 442, a bill to authorize the City of Charlotte to withhold future approvals from a person with outstanding zoning and subdivision ordinance violations.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 443, a bill to authorize the City of Charlotte to provide notice by publication for amendments to the zoning ordinance.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 444, a bill to authorize the City of Charlotte to provide notice by publication for a comprehensive zoning reclassification.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 445, a bill to authorize the City of Charlotte to require dedication of recreational areas and facilities as a condition to permit approval.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 446, a bill to authorize a majority vote of the zoning board of adjustment for the City of Charlotte.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 447, a bill to amend G.S. 160A-381 to authorize the City of Charlotte to file with the register of deeds a notice of special conditions attached to the zoning of the property.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 448, a bill to authorize the City of Charlotte and Mecklenburg County to create a development code enforcement board.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 580, a bill to expand the Polk County Development Commission.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 636, a bill to permit Nash County to appropriate additional funds for industrial development.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 366, a bill to allow digging of ditches in Bladen County below a certain level for storm or drainage sewer lines.

The bill passes its second and third readings and is ordered enrolled.

H.B. 443, a bill to provide that the general law regarding setting the official bond of the Sheriff shall apply to Guilford County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 469, a bill to authorize Clay, Graham, Jackson, and Macon Counties to create travel and tourism authorities and to remit the county occupancy tax proceeds to the authorities to promote travel and tourism.

The bill passes its second and third readings and is ordered enrolled.

H.B. 481, a bill to change the procedure used by Wayne County in altering the structure of the Board of Commissioners.

The bill passes its second and third readings and is ordered enrolled.

H.B. 483, a bill concerning the construction of a building by the Alamance-Caswell Area Mental Health, Mental Retardation and Substance Abuse Authority.

The bill passes its second and third readings and is ordered enrolled.

H.B. 484, a bill to permit the City of Burlington to convey at private sale to the Allied Churches of Alamance County, Inc., the old City of Burlington Police Building and certain adjacent property.

The bill passes its second and third readings and is ordered enrolled.

H.B. 508, a bill to allow additional time for the City of Charlotte to adopt city regulations for newly annexed areas or extension of the City's jurisdiction.

The bill passes its second and third readings and is ordered enrolled.

S.B. 245, a bill to promote peer review activities of health care providers and to require risk management programs and hospital privilege procedures in hospitals.

Without objection, the Chair orders the bill placed on the Calendar for Tuesday, May 5.

S.B. 372 (Committee Substitute), a bill to limit the liability of a trustee, officer, or director of a nonprofit corporation.

Senator Ezzell offers Amendment No. 1 which is adopted (electronically recorded).

Senator Ezzell calls the previous question, seconded by Senator Rauch. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On motion of Senator Winner, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, May 5.

S.B. 136 (Committee Substitute), a bill to provide a model code for procurement of architectural and engineering services by State and local government.

On motion of Senator Sherron, duly seconded, the Committee Substitute bill is postponed indefinitely.

S.B. 396, a bill to name "milk" as the State Beverage of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 429, a bill to regulate conversion of institutions in the Community College System.

On motion of Senator Martin of Guilford, Committee Amendment No. 1 is adopted, and on his further motion the bill, as amended, is ordered engrossed and re-referred to the Appropriations Committee.

S.B. 466, a bill to extend the sunset provision in the Risk Sharing Plan Act of 1986.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 488, a bill to extend the terms of office of trustees in the Community College System and to provide for staggered terms of appointments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training.

On motion of Senator Staton, consideration of the bill is postponed until Friday, May 1.

S.B. 552, a bill authorizing the Governor or his designated representative to establish the qualifications for promotion and retention of members of the National Guard.

On motion of Senator Staton, consideration of the bill is postponed until Friday, May 1.

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service.

On motion of Senator Staton, consideration of the bill is postponed until Friday, May 1.

S.B. 575, a bill to provide for cooperation between state, local and federal law enforcement agencies in special undercover operations.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 255

House of Representatives
April 29, 1987

Mr. President:

It is ordered that a message be sent the Senate requesting the return of House Joint Resolution 255, "A JOINT RESOLUTION ADOPTING THE CHILD MENTAL

HEALTH PLAN AND THE YOUTH SUBSTANCE ABUSE PLAN AS POLICY GUIDANCE FOR THE DEVELOPMENT OF SERVICES OVER THE NEXT TEN YEARS, sent to your Honorable Body inadvertently on April 17, 1987.

Respectfully,
S/Liston B. Ramsey, *Speaker*
House of Representatives

Without objection, the joint resolution is taken from the **Human Resources Committee** and returned to the House of Representatives for further consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

S.B. 260, a bill to require General Assembly review and approval of all changes in special use airspaces in the airspace over North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 260** (Committee Substitute), a bill to require General Assembly review of all changes in special use airspaces in the airspace over North Carolina is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the Committee Substitute bill remains on the Calendar for Friday, May 1, for further consideration.

CALENDAR (Continued)

S.B. 679, a bill to change the timing provision for entry of appeal when a motion for appropriate relief has been filed.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for Friday, May 1, for further consideration.

H.B. 12, a bill to provide for coded bill drafts, where the law to be amended is set out showing the deletions and insertions proposed by the bill.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 188 (Committee Substitute), a bill to clarify the law regarding detention of a juvenile bound over to Superior Court.

The Committee Substitute bill passes its second reading (electronically recorded).

On motion of Senator Tally, further consideration of the Committee Substitute bill is postponed until Tuesday, May 5.

H.B. 359, a bill to provide that a dealer is not required to keep sales records of pistol cartridges.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 485, a bill to allow state law enforcement officers to purchase any weapon worn or carried by the officer when the state law enforcement agency changes the type of weapons used.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Pursuant to **S.J.R. 303**, a joint resolution providing that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro, Senator Rand offers a motion, seconded by Senator Plyler, that the Senate adjourn to reconvene on the Town Commons in the Town of Tarboro, North Carolina, tomorrow April 30, at 10:00 A.M., which motion prevails.

FIFTY-EIGHTH DAY

TOWN COMMONS,
TARBORO, NORTH CAROLINA,
Thursday, April 30, 1987.

Pursuant to **S.J.R. 303**, a joint resolution providing that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro, the Senate convenes on the Town Commons in the Town of Tarboro, North Carolina.

The Honorable Robert B. Jordan III, Lieutenant Governor, calls the Senate to order.

The Town Crier announces the occasion and calls for the presentation of the colors which are presented by the local troops of the Girl Scouts of America.

Led by the Lieutenant Governor, the Senators and distinguished guests stand and pledge their allegiance to the United States of America. The North Edgecombe High School Band performs the National Anthem.

Prayer is offered by the Dr. Sam McMillan, Senate Chaplain, as follows:

"O God of the Nations, we give Thee thanks for this great land of freedom and opportunity, for the beauty of our fair State, and for the historic community of Tarboro in which we meet today. Give to us one and all a sense of calling as citizens and servants and use each of us as instruments of Your grace and peace in all those places where we live, work, and play.

"O God of Love, we thank Thee for the love with which the Members of the General Assembly were received in this community in 1787 and for the spirit of love and affection with which we have been received here yesterday and today. Inspire us to show this kind of love not only to friends and dignitaries, but to all whom we meet not only this day, but every day.

"O God of Justice, we thank Thee for the system of citizen-legislators in our State, for all who have served from this district in years past, and for all who serve in this and other districts now. Bless the leaders and citizens of our State with a love for justice, and a zeal for compassion, so that justice may flow down like waters and righteousness like an ever flowing stream, and so that Your Will may be done on earth, even as it is in Heaven. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his

motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Harrington, due to illness, Hipps, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Sands, Simpson, Soles, Speed, and Winner.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.J.R. 540, a joint resolution honoring the memory of H. Vinson Bridgers, former State Senator.

The joint resolution passes its second and third readings, with Members standing, and is ordered, without objection, sent to the House of Representatives by special messenger.

S.J.R. 583, a joint resolution honoring the life and memory of Cameron S. Weeks, former member of the North Carolina General Assembly.

The joint resolution passes its second and third readings, with Members standing, and is ordered sent, without objection, to the House of Representatives by special messenger.

Senator Martin of Guilford is recognized to address the membership, as follows:

"Mr. President, Members of the Senate, Citizens and Friends of the Town of Tarboro:"

> "I'm not what I ought to be
> I'm not what I'm going to be
> But thank God Almighty, I'm not what I was."

"Those words have a very special meaning to us. They implore us to recognize the fact that no matter how great we might think we are, we are not that great! Even in perfection, we can find imperfection if we look hard enough, and in the right places; even in the best of us, there is something less than the best. Therefore, since we all should continuously strive for improvement, there is an inherent acknowledgment and admission that we're not what we ought to be. Also, implicit in that statement, is the acknowledgment that if we continue to strive for improvement, we are going to get even better. Therefore, we're not what we're going to be. As we get older, and hopefully wiser, we become very aware that we can look back over the years and objectively see that we were actually worse than (at that time) we thought we were; otherwise, how could we have improved as much as we have done? Therefore, we can give thanks to God Almighty, that we're not what we were.

"You've probably heard from time to time that there are two things you never want to see made--sausages and laws. In both instances it might seem better to consume and observe the end result, and not worry about the past; not worry about how they came to be. While it is very tempting and very easy to do just that, I submit to you that the end result cannot to be fully understood nor appreciated without knowing something about the processing, something about how they were made. Without that knowledge as to the evolutionary history, those points of reference along the way, we have no benchmarks as to what ought to be; how can we know what ought to be, and will be, if we don't know and understand what was?

"Everything I've said is particularly applicable to that great document known as **The Constitution of The United States of America**. By professional training, I, along with a good number of my colleagues, am a lawyer, with a growing love for

history, and I can say without equivocation that one of the most important benefits I have gained from that training and exposure is a true respect and love for our United States Constitution as it has been amended over the years. Some people grow tired of lawyers and legislators saying, 'I'm afraid I can't support this provision because, in my opinion, it is clearly violative of the Constitution.' But, ladies and gentlemen, that document means so much to us, we're jealous of it, that we become very protective of it.

"As students of history, we all should know, particularly in retrospect and through 20/20 hindsight, that the Constitution initially was a flawed document. It was something that Americans of good faith and good will and good conscience today, for various reasons, would staunchly refuse to ratify. As one example, many citizens of America today, especially persons of African-American and native American (Indian) heritage, would not have been considered as whole persons, much less which would not have been endowed with the rights, privileges, and protection of the Constitution. America has come a long way since those days. There was a major flaw in that document, that, I am very proud to say, North Carolinians, played a major and decisive role in rectifying. We were the last State to ratify the Constitution, because we refused to endorse a document that did not specifically protect the rights of the people. Finally, the Bill of Rights was added and we ratified it. Residents of Tarboro can be particularly proud that your Town was the one in which your General Assembly met when the decision was made to form the committee to study whether or not to ratify the proposed Constitution. We have had many legislative study committees over the years, but none so important as the one formed in 1787 in Tarboro.

"Since ratification, the Constitution has been amended from time to time, but never **unnecessarily so**. It is purposefully a very difficult process to amend the Constitution. The process reduces the possibility that we will react to trends and passions rather than to well deliberated and carefully considered social, political, and economical mandates of great magnitude.

"Thus, it is particularly fitting that we convene here in Tarboro in this year, 1987, two hundred years after that study committee was formed in Tarboro. In gathering and convening here today, we pay homage to a dynamic and living document, not one that is static and fixed in time. It is a document that is solid enough in its permanency to withstand the stormy seas of time, yet pliable and fluid enough to change as dictated by the smooth flow of the river of time as the current gently changes the course of time's river.

"Mr. President, members of the Senate, citizens and friends of Tarboro, I am truly honored to have had the opportunity to express my gratitude for our evolving United States Constitution, and to express my appreciation to the citizens of Tarboro today and in 1787. Thank You."

Senator Rand is recognized to address the membership, as follows:

"Mr. President, Members of the Senate, last night as I walked through the Blount-Bridgers house, I noticed a small plaque on the wall honoring, among others, Speaker Ramsey, Representative Watkins, and Senator Hardison. I got a little curious about that and asked some questions and found out why that plaque has been on the wall since 1981. It seems as though the restoration of that famous House was at a standstill, and there just wasn't enough money to complete it. The local restoration council was afraid the whole project was going to fall apart, but a special appropriation (which required matching funds) got it going again. That special appropriation by the General Assembly put it over the top. Not only that, but because there was enough money to complete the restoration, Mrs. Alice Weeks Gordon, sister of one of the former members we have honored today, gave the second finest collection of Hobson Pittman

paintings in America to the Town of Tarboro. So not only did a special appropriation from the General Assembly finish that remarkable example of Georgian Architecture, but that special appropriations also triggered the gift of a magnificent art collection. The Town of Tarboro has shown us by example just how much can be done with a special appropriation from the people of North Carolina.

"Last night, during the candlelight stroll down Main Street, we saw the new wing on the Edgecombe County Memorial Library, funded in part by an appropriation of the General Assembly. A room in that wing was a part of the enticement for the Historian in Residence for Edgecombe County. Had we walked further down Main Street, we would have seen the premier example of the National Main Street Program in North Carolina. Tarboro leads that Program with over twenty-two million dollars reinvested in Main Street Redevelopment.

"A special appropriation from the General Assembly enabled Edgecombe County to have the first County Historic Preservation Fund in America. It is still going strong with five historic properties saved from ruin last year alone. If anyone ever asks you about special appropriations, tell them to come to Tarboro and see what they can do to preserve our heritage and expand our economy."

Senator Marvin is recognized to address the membership, who offers remarks as to the requirements met by the individuals seeking to serve as pages in this historical meeting.

The President recognizes the following pages serving in the Senate today: from Rocky Mount--Henry Baggett, Natalie Crocker, Tyretta Arrington, Catherine Carmody, and Ruth Ann Woodley; from Edgecombe County--Susan Bradley, Andrea Tolson, Jackie Eason, Eric Russ, Gwendolyn Williams, Christopher Dunn, and Felicia Evette Phillips; from Tarboro--Karen Joyner, Jeff Barnes, Sylvia Rogers, Kevin Womble, Beth Young, Janice Daughtry, Teresa Freeman, Vickie Hussey, Marcia Sherrod, Mary Margaret Hussey, Derrick Hyman, Margaret Anne Hoard, Wyatt Jones, Virginia Jenkins, Angela Hudson, Billy Wooten, and Blaire Creech.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following resolution, which is read the first time and disposed of as follows:

H.J.R. 919, a joint resolution honoring the life and memory of Joseph Elliot Eagles, former member of the North Carolina General Assembly.

Without objection, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings with members standing and is ordered enrolled.

The President recognizes the Honorable L.H. Fountain, former member of the United States House of Representatives from the Second District and former North Carolina State Senator from Edgecombe County, Henry Gray Shelton, former North Carolina State Senator from Edgecombe County, and Eugene Simmons, former Reading Clerk of the North Carolina State Senate.

Senator Royall, Deputy President *Pro Tempore*, is recognized to address the membership expressing appreciation to the citizens of Tarboro for their hospitality, as follows:

"Mr. President, fellow Members of the Senate, about 200 years ago, when legislators arrived in Tarboro for their November 19 to December 22, 1797 Session, they discovered a pleasant Town of some twenty families, all of whom lived in wooded

dwellings. More people came to Town than lived in the Town. Yet accommodations were found and mattresses brought in from the country side, horses were stabled, good food was prepared, entertainment provided, and the public's business attended to.

"In his diary, William Attmore wrote, 'The Bar at the Senate was a board laid across two old trunks standing on the ends, which served very well pro-tem.' Fifty-six laws were enacted. Among these, one designed to prevent tobacco fraud. That Assembly, at a time when the Legislature chose the Chief Executive, elected Samuel Johnson of Edenton, Governor of this State.

"When the Session of 1787 ended, its Members rode away some as far as what is now Tennessee, with the satisfaction of a job well done and warm memories of a small Town that had opened its heart, as well as its doors.

"History does repeat itself. For the past twenty-four hours, we have repeated that Session of two hundred years ago. The horses are now under the hoods of cars, trucks, and buses; mattresses of corn shucks or pinestraw have been replaced by posture-pedic; last night, crabmeat, barbeque, potato salad, and strawberries replaced collards, 'chitterlins,' turnips, and hominy. Better manners have prevailed over fights and 'cussing,' but the essence of it all is the same.

"The fine people of Edgecombe County and this historic Town of Tarboro have once again opened their homes and their hearts to North Carolina's General Assembly. I am told that over two hundred volunteers have worked for months to make sure that every Member of this Body has enjoyed smalltown living at its finest. They have done a marvelous job. The eleven committee chairpersons under able leadership of Co-chairmen Tom Bardin and C.B. Martin have made memorable, House Joint Resolution 1034 which requests that the 1987 General Assembly meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session Meeting in Tarboro.

"Today is a very special one in each of our lives. None of us can share it again. Before another Bicentennial, the United States of America will be over four hundred years old and about *ten* generations of North Carolinians will have been born.

"Every one of the citizens of Edgecombe County and Tarboro, Senator Bob Martin and every other person or group that helped them, all of them, have given each of us in the 1987 General Assembly a gift of great value. They have let us see how the best of our past can be woven into the fabric of our future. Mr. President, I ask the Members of this Body to join me in applause for their kindness and the hard work of all who made this historic occasion possible." (Members respond with prolonged applause.)

Senator Martin of Pitt is recognized to address the membership, and responds for the Town of Tarboro and Edgecombe County.

On motion of Senator Royall, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow in the Senate Chamber, in the Legislative Building, in the City of Raleigh, North Carolina, at 10:00 A.M.

FIFTY-NINTH DAY

SENATE CHAMBER,
Friday, May 1, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Charles M. Smith, Superintendent of the Goldsboro District of the United Methodist Church, Goldsboro, as follows:

"We give You thanks, O Lord, for yesterday's session in Tarboro and its power to stir our awareness of our heritage. We are indeed grateful for all those who have set good examples for us to follow.

"Now we ask Your help today in our deliberations, so that years from now our descendants will look back at our work and bless us for the wise leadership we gave our State in helping it become more caring for all classes and colors of its citizens, more concerned about education of its children, and more protective of the quality of its beautiful rivers and streams. Bless our labor today, and our leisure this May weekend, as we live out our lives in constant awareness of Your love for us and all Your creation. Amen."

Senator Rauch for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Daniel, Guy, who has business at home, Harrington, Kincaid, Sands, Simpson, Smith, who is attending the A.L.E.C. in Washington, D.C., and Winner.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 161 (Committee Substitute), an act to require political committees to be labeled accurately. (Ch. 113)

S.B. 225, an act to amend the law regarding kindergarten health assessments. (Ch. 114)

H.B. 359, an act to provide that a dealer is not required to keep sales records of pistol cartridges. (Ch. 115)

H.B. 366, an act to allow digging of ditches in Bladen County below a certain level for storm or drainage sewer lines. (Ch. 116)

H.B. 443, an act to provide that the general law regarding setting the official bond of the Sheriff shall apply to Guilford County. (Ch. 117)

H.B. 469, an act to authorize Clay, Graham, Jackson, and Macon Counties to create travel and tourism authorities and to remit the county occupancy tax proceeds to the authorities to promote travel and tourism. (Ch. 118)

H.B. 481, an act to change the procedure used by Wayne County in altering the structure of the Board of Commissioners. (Ch. 119)

H.B. 483, an act concerning the construction of a building by the Alamance-Caswell Area Mental Health, Mental Retardation and Substance Abuse Authority. (Ch. 120)

H.B. 484, an act to permit the City of Burlington to convey at private sale to the Allied Churches of Alamance County, Inc., the old City of Burlington Police Building and certain adjacent property. (Ch. 121)

H.B. 485, an act to allow State law enforcement officers to purchase any weapon worn or carried by the officer when the State law enforcement agency changes the type of weapons used. (Ch. 122)

H.B. 508, an act to allow additional time for the City of Charlotte to adopt city regulations for newly annexed areas or extension of the City's jurisdiction. (Ch. 123)

S.J.R. 540, a joint resolution honoring the memory of H. Vinson Bridgers, former State Senator. (Res. 17)

S.J.R. 583, a joint resolution honoring the life and memory of Cameron S. Weeks, former member of the North Carolina General Assembly. (Res. 18)

H.J.R. 919, a joint resolution honoring the life and memory of Joseph Elliot Eagles, former member of the North Carolina General Assembly. (Res. 19)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Sherron:

S.B. 703, a bill to amend G.S. 138-7 to provide for reimbursement for the cost of a meal to State Employees when the employee is required to attend a business function that includes such a meal.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 704, a bill to provide for the licensure and qualification of fire protection contractors.
Referred to **Judiciary III Committee.**

By Senator Winner:

S.B. 705, a bill requiring the Department of Natural Resources and Community Development to study the feasibility of developing the highlands of the Roan Mountains as a State Park.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Ezzell:

S.B. 706, a bill to clarify the law regarding the North Carolina Childhood Vaccine-Related Injury Compensation Program.
Referred to **Judiciary II Committee.**

By Senator Sands:

S.B. 707, a bill to make purchase or possession of alcoholic beverages by eighteen year old an infraction.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Hardison and Harris:

S.B. 708, a bill to regulate home schools.
Referred to **Education Committee.**

By Senator Hardison:

S.B. 709, a bill making it illegal to harass people taking wildlife or fisheries resources.
Referred to **Judiciary II Committee.**

By Senators Hardison, Guy, Harris, and Smith:

S.B. 710, a bill to provide for rules and procedures for products liability lawsuits involving firearms.
Referred to **Judiciary II Committee.**

By Senator Parnell:

S.B. 711, a bill to permit members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase creditable service for federal employment and public service employment funded by the federal government.
Referred to **Pensions and Retirement Committee.**

By Senator Walker:

S.B. 712, a bill to change the date of a meeting to approve absentee ballot applications, to conform to a change in the deadline.
Referred to **Election Laws Committee.**

By Senator McDuffie:

S.B. 713, a bill to require that whenever the Division of Motor Vehicles restores the driver's license of a person convicted of driving while impaired, proof of financial responsibility must be furnished prior to the restoration.
Referred to **Insurance Committee.**

By Senator Barnes:

S.B. 714, a bill to abolish the rule in Shelley's case.
Referred to **Judiciary I Committee.**

By Senators Ward and Kaplan:

S.B. 715, a bill to appropriate funds for the use of Old Salem.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 716, a bill to redefine highest annual salary and to reduce the minimum years of service required for a benefit in the Legislative Retirement System pursuant to the Federal Tax Reform Act of 1986.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 717, a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senators Kaplan, Barnes, Basnight, Ezzell, Guy, Martin of Guilford, Seymour, Staton, Swain, Ward, and Warren:

S.B. 718, a bill to provide a three-year grace period for taxpayer deductions of dividends after certain corporations no longer have income allocable to this State.
Referred to **Finance Committee.**

By Senator Kaplan:

S.B. 719, a bill to allow the waiver of certain surety bonds required for charitable solicitation.
Referred to **Human Resources Committee.**

By Senator Hunt of Durham:

S.B. 720, a bill to increase the retirement formula for members and beneficiaries, and permit an unreduced retirement allowance for a member after age 60 with 25 years of creditable service in the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senators Thomas and Hipps:

S.B. 721, a bill to increase certain restrictions on outdoor advertising along the interstate highways and federal-aid primary highways.
Referred to **Transportation Committee.**

By Senators Thomas and Hipps:

S.B. 722, a bill to increase the permit fees for outdoor advertising signs along the interstate and federal-aid primary highways.
Referred to **Finance Committee.**

By Senator Martin of Pitt:

S.B. 723, a bill to provide for distribution to local governmental units of interest and other investment income earned on local sales and use taxes collected by the State.
Referred to **Finance Committee.**

By Senators Rand, Plyler, and Conder:

S.B. 724, a bill designating as trust funds for specified purposes moneys received from the operation of institutional forest lands and farm forest lands of the University of North Carolina.
Referred to **Higher Education Committee.**

By Senator Conder:

S.B. 725, a bill to require that motor vehicle headlights and tail lights be illuminated during inclement weather.
Referred to **Transportation Committee.**

By Senator Conder:

S.B. 726, a bill to establish a commission to study the local budget process and how it relates to State fiscal actions.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand, Plyler, and Conder:

S.B. 727, a bill permitting the Secretary of Administration to authorize direct purchase by the constituent institutions of the University of North Carolina of equipment and materials needed for specific research project.
Referred to **Appropriations Committee.**

By Senators Rand, Plyler, Conder, and Warren:

S.B. 728, a bill authorizing the dedication of receipts generated by development of the Centennial Campus to the use of North Carolina State University at Raleigh for operation and further development of the Centennial Campus.
Referred to **Appropriations Committee.**

By Senators Rand, Plyler, and Conder:

S.B. 729, a bill to authorize the construction and financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University.
Referred to **Finance Committee.**

By Senators Rand and Plyler:

S.B. 730, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvement projects of the constituent institutions of the University of North Carolina.
Referred to **Appropriations Committee.**

By Senators Rand, Plyler, and Warren:

S.B. 731, a bill authorizing the issuance of revenue bonds to finance projects on the Centennial Campus of North Carolina State University at Raleigh.
Referred to **Finance Committee.**

By Senator Royall:

S.B. 732, a bill to establish the North Carolina Racing Commission.
Referred to **Ways and Means Committee.**

By Senator Goldston:

S.B. 733, a bill pertaining to driver education.
Referred to **Transportation Committee.**

By Senator Soles:

S.B. 734, a bill to amend the Business Corporation Act to regulate the acquisition of control of corporations in which North Carolina has a substantial interest by reason of incorporation or otherwise.,
Referred to **Judiciary IV Committee.**

By Senators Hunt of Moore and Walker:

S.B. 735. a bill to establish a one-year pilot program that will provide an outreach activities facilitator to serve the residents of family care homes and rest homes in Orange County.
Referred to **Veterans Affairs and Senior Citizens Committee.**

By Senator Royall:

S.B. 736, a bill to provide for four-year terms for members of the Board of Governors of the University of North Carolina, and beginning in 1989 providing that no member may be re-elected to that Board after 12 consecutive years of service.
Referred to **Higher Education Committee.**

By Senators Sands and Seymour:

S.B. 737, a bill to establish a commission to study the appraisal and reappraisal of real property for ad valorem taxation.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner:

S.B. 738, a bill to create the North Carolina Housing Trust Fund and to authorize the expenditure of oil overcharge funds within the limits imposed by the relevant judicial decrees.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 739, a bill to toll the statute of limitations in a civil action during a period of incompetency.
Referred to **Judiciary III Committee.**

By Senator Daniel:

S.B. 740, a bill to provide that when a county appeals a judgment, staying the enforcement of the judgment, the county shall not be required to post a bond.
Referred to **Judiciary III Committee.**

By Senators Warren and Soles:

S.B. 741, a bill to designate the sweet potato also known as yam as the official State vegetable.
Referred to **Judiciary I Committee.**

By Senator Warren:

S.B. 742, a bill to provide for CPR training in the public schools.
Referred to **Education Committee.**

By Senators Guy, Allran, Barker, Barnes, Basnight, Bryan, Daniel, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Royall, Sands, Shaw, Sherron, Simpson, Smith, Somers, Speed, Swain, Tally, Thomas, and Warren:

S.B. 743, a bill to extend the authority of consumer finance licensees' affiliates to make home loans in the same office as their parent companies.
Referred to **Commerce Committee.**

By Senators Parnell and Guy:

S.B. 744, a bill to change the composition of the North Carolina State Indian Housing Authority.
Referred to **State Government Committee.**

By Senators Hardison, Harris, Hipps, Hunt of Moore, Marvin, Royall, Seymour, Sherron, Taft, Tally, and Ward:

S.B. 745, a bill to create the North Carolina Study Commission on surrogate parenthood.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Barker, Block, Daniel, Sands, Soles, Somers and Swain:

S.B. 746, a bill to modify the blood alcohol concentration necessary to prove the offense of driving while impaired; to change the proof needed for a conviction of driving while impaired; and to create the new offense of driving after consuming alcohol.
Referred to **Judiciary III Committee.**

By Senators Barker, Block, Daniel, Johnson of Cabarrus, Sands, Soles, Somers, Swain, and Winner:

S.B. 747, a bill to modify the law applicable to limited driving privileges.
Referred to **Judiciary II Committee.**

By Senators Barker, Block, Daniel, Hipps, Johnson of Cabarrus, Rand, Sands, Soles, Somers, Swain, and Winner:

S.B. 748, a bill to make appeals from the Division of Motor Vehicles license actions lie in District Court.
Referred to **Judiciary II Committee.**

By Senators Tally, Barker, Barnes, Basnight, Daniel, Hipps, Parnell, Rand, Sherron, Thomas, Walker, and Ward:

S.B. 749, a bill to establish a Recreation and Natural Heritage Trust Program.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Tally and Hunt of Moore:

S.B. 750, a bill to appropriate funds to the Recreation and Natural Heritage Trust Fund.
Referred to **Appropriations Committee.**

By Senator Hunt of Moore:

S.B. 751, a bill to eliminate as a defense to rape and sexual offenses that the victim is the defendant's legal spouse.
Referred to **Judiciary II Committee.**

By Senator Block:

S.B. 752, a bill to exempt foreign sales corporations from corporate income tax.
Referred to **Finance Committee.**

By Senator Block:

S.B. 753, a bill to require the Department of Commerce to sponsor a model shared foreign sales corporation to promote exports by small and mid-sized North Carolina businesses.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 754, a bill to give local health directors the authority to impose administrative penalties for violations of local board of health rules.
Referred to **Human Resources Committee.**

By Senator Royall:

S.B. 755, a bill to provide a site to the United States Department of Energy for a "Superconducting Super Collider".
Referred to **Environment Committee.**

By Senators Hipps, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Parnell, Rand, Richardson, Thomas, and Warren:

S.B. 756, a bill to restrict the use of special provisions in appropriations bills.
Referred to **Constitution Committee.**

By Senator Winner, (By Request):

S.B. 757, a bill to provide that certain legal qualifications shall count as relevant experience for applicants for a certified public accountant examination.
Referred to **Judiciary IV Committee.**

By Senators Hipps and Warren:

S.B. 758, a bill creating the North Carolina Local Government Pooled Capital Projects Financing Agency to provide financing for the acquisition, construction and installation by or on behalf of cities of capital projects, including the acquisition of equipment, and amending certain general laws.
Referred to **Finance Committee.**

By Senator Ezzell:

S.B. 759, a bill to authorize the formation of multiple employer trusts to provide health insurance.
Referred to **Insurance Committee.**

By Senator Ezzell:

S.B. 760, a bill relating to the establishment and financing of self-insurance programs by cities and counties.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Ezzell:

S.B. 761, a bill to allow tax credits for employers participating in multiple employer trusts to provide health insurance.
Referred to **Finance Committee.**

By Senator Hunt of Moore:

S.B. 762, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located, by the commission for health services, and by the environmental management commission before approval of a permit by the Department of Human Resources can be given.
Referred to **Environment Committee.**

By Senator Hunt of Moore:

S.B. 763, a bill to establish the radiation technology practice act.
Referred to **Human Resources Committee.**

By Senators Barker and Daniel:

S.B. 764, a bill to provide qualified immunity to local governments and civic organizations and their officers, employees and volunteers against liability arising out of annual festivals and celebrations.
Referred to **Judiciary II Committee.**

By Senator Sands:

S.B. 765, a bill to provide that a final divorce may be granted after a separation period of six months.
Referred to **Judiciary III Committee.**

By Senator Bryan:

S.B. 766, a bill to prohibit the permitting of a low-level radioactive waste facility or a hazardous waste facility within fifty miles of, or in the same county of, any other facility that stores, treats, or disposes of high-level radioactive waste; a low-level radioactive waste facility; or a hazardous waste facility.
Referred to **Environment Committee.**

By Senator Cobb:

S.B. 767, a bill to modify the required service for a national guard pension.
Referred to **Veterans Affairs and Senior Citizens Committee.**

By Senator Block:

S.B. 768, a bill to provide for policies of windstorm and hail insurance to be available through the beach plan.
Referred to **Insurance Committee.**

By Senator Seymour:

S.B. 769, a bill to extend the sunset on the Department of Transportation's authority to allow excess weight vehicles on the interstates.
Referred to **Transportation Committee.**

By Senator Block:

S.B. 770, a bill to regulate distress sales.
Referred to **Judiciary IV Committee.**

By Senators Daniel and Barker:

S.B. 771, a bill to limit the liability of a director of a religious society, a fraternal society or order, or any nonprofit association, organization, or entity.
Referred to **Judiciary III Committee.**

By Senator Daniel:

S.B. 772, a bill to allow temporary rules for the issuance of bonds for private colleges.
Referred to **Finance Committee.**

By Senator Daniel:

S.B. 773, a bill to amend the Worker's Compensation Act.
Referred to **Manufacturing and Labor Committee.**

By Senator Simpson:

S.B. 774, a bill to provide that a person who operates a motorboat gives implied consent to a chemical analysis if charged with an alcohol-related offense and to provide that the results of a chemical analysis are admissible as evidence in a civil or criminal case.
Referred to **Judiciary IV Committee.**

By Senator Hardison:

S.B. 775, a bill to permit insurers to have access to the records of the Industrial Commission about employees that they insure.
Referred to **Insurance Committee.**

By Senator Hardison:

S.B. 776, a bill to monitor and regulate mortgage loan companies that are not affiliated with state-chartered lending institutions.
Referred to **Commerce Committee.**

By Senators Marvin and Harris:

S.B. 777, a bill to strengthen joint custody where custody of children is at issue.
Referred to **Children and Youth Committee.**

By Senators Marvin and Hunt of Moore:

S.B. 778, a bill to provide for a pilot program for mediation in disputed custody or visitation cases and to provide for a divorce fee to fund the program.
Referred to **Children and Youth Committee.**

By Senator Marvin:

S.B. 779, a bill to permit home instruction, under certain conditions, as a means of complying with compulsory school attendance requirements.
Referred to **Education Committee.**

By Senator Goldston:

S.B. 780, a bill to exempt businesses with a net worth of more than five million dollars from the requirements of the business opportunity sales requirements of Chapter 66 of the General Statutes.
Referred to **Judiciary IV Committee.**

By Senator Allran:

S.B. 781, a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Warren:

S.B. 782, a bill to increase the allowable axle weights for certain vehicles.
Referred to **Transportation Committee.**

By Senator Warren:

S.B. 783, a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina".
Referred to **Transportation Committee.**

By Senator Warren:

S.B. 784, a bill to provide that physicians who dispense prescription drugs must register.
Referred to **Judiciary I Committee.**

By Senator Johnson of Cabarrus:

S.B. 785, a bill to provide that a consent judgment for equitable distribution of property may be entered prior to a decree of absolute divorce granted on the ground of one year separation.
Referred to **Judiciary I Committee.**

By Senator Walker:

S.B. 786, a bill to amend the certificate of need law.
Referred to **Human Resources Committee.**

By Senator Hipps:

S.B. 787, a bill to reconstitute the Commission on Children with Special needs as the Commission on Children and Youth.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 788, a bill to establish the North Carolina Birth-related Neurological Injury Compensation Act.
Referred to **Judiciary II Committee.**

By Senator Sands:

S.B. 789, a bill to modify the availability of driver training and safety education in the public schools.
Referred to **Education Committee.**

Senator Rand moves that Rule 40 be suspended to allow the introduction of the following joint resolution which motion prevails by a two-thirds majority vote.

By Senator Rand:

S.J.R. 810, inviting Donna Hill Oliver, the National Teacher of the Year, to address a joint session of the Senate and House of Representatives at 1:30 P.M. Wednesday, May 6, 1987.

On motion of Senator Rand, the joint resolution remains before the Senate for further consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 503 (Committee Substitute), a bill to provide for a single license system for insurance agents, brokers, and adjusters.

Referred to **Insurance Committee.**

H.B. 737, a bill to make technical amendments to the Radar Reliability Act.

Referred to **Judiciary III Committee.**

H.B. 752, a bill to make technical amendments to the Mental Health, Mental Retardation, and Substance Abuse Act of 1985, and conforming changes to the General Statutes.

Referred to **Human Resources Committee.**

H.B. 805, a bill to establish penalties for failure to remove prohibited discharges.

Referred to **Environment Committee.**

H.B. 806, a bill to establish penalties for prohibited discharges in violation of G.S. 143-214.2.

Referred to **Environment Committee.**

S.B. 37 (Committee Substitute), a bill to expedite proceedings involving child victims and witnesses, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, May 4.

H.B. 803, a bill to allow court reports to transcribe court records electronically recorded by others.

Referred to **Judiciary II Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall, Vice-Chairman, for Senator Harrington, for the **Rules and Operation of the Senate Committee.**

S.J.R. 474, a joint resolution honoring the life and memory of Carl Daniel Totherow, a former member of the General Assembly.

On motion of Senator Royall, the joint resolution is placed on the Calendar for Monday, May 4, as Special Order of Business No. 1.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Wednesday, April 29, are taken up and disposed of as follows:

S.B. 404, a bill to provide that a deed shall contain a recitation of the grantor's source of title as recommended by the General Statutes Commission, as amended, upon third reading.

Senator Block offers Amendment No. 2 which is adopted (electronically recorded).

Senator Swain offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina, upon third reading.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Tuesday, May 5.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S.B. 407, a bill to allow Sampson County and municipalities located therein to engage in economic development activities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 438, a bill relating to zoning in Mecklenburg County and the City of Charlotte, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 492, a bill to authorize municipalities within Gaston County to enter into agreements concerning annexations, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 514, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an airport authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said airport authority all powers set out in Chapter 63 of the General Statutes of North Carolina, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 610, a bill to further clarify the authority of the City of Durham to make grants and loans for economic development serving the needs of persons of low and moderate income, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 618, a bill to amend the Charter of the City of Sanford, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 138, a bill to authorize Moore County to levy a room occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 4, for further consideration upon third reading.

H.B. 305, a bill to authorize Yancey County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 4, for further consideration upon third reading.

H.B. 420, a bill to authorize Mitchell County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 4, for further consideration upon third reading.

H.B. 429, a bill to authorize the levy of a room occupancy and tourism development tax in Averasboro Township in Harnett County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 4, for further consideration upon third reading.

H.B. 540, a bill to authorize Pitt County to levy a room occupancy and tourism development tax., upon second reading

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 4, for further consideration upon third reading.

H.B. 296, a bill to change the distribution of the net profits from the Madison and the Reidsville ABC Stores.

The bill passes its second and third readings and is ordered enrolled.

H.B. 394, a bill to change the distribution of profits from the ABC stores in Sunset Beach.

The bill passes its second and third readings and is ordered enrolled.

H.B. 404, a bill to authorize the taking of black bears in certain counties.

The bill passes its second and third readings and is ordered enrolled.

H.B. 536, a bill regulating hunting in Greene County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 113 (Committee Substitute), a bill to provide a State income tax credit to employers who create jobs in severely distressed counties of the State.

The Committee Substitute bill passes its second reading (electronically recorded).

On motion of Senator Rauch, further consideration of the Committee Substitute bill is postponed until Tuesday, May 5.

S.B. 246 (Committee Substitute), a bill to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until Monday, May 4.

S.B. 263, a bill to provide authority to establish laboratory certification fees.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

On motion of Senator Kaplan, further consideration of the bill, as amended, is postponed until Tuesday, May 5.

S.B. 299, a bill to provide a special migratory waterfowl hunting license and to prescribe the penalty for migratory game bird violations.

The bill passes its second reading (electronically recorded).

After further debate, the bill passes its third reading and is ordered sent to the House of Representatives.

Senator Taft requests to be recorded voting "aye" on the third reading of the bill.

S.B. 343 (Committee Substitute), a bill to provide that a business shall make available information needed to locate an absent parent for the purpose of collecting child support.

The Committee Substitute bill passes its second reading (electronically recorded).

After further debate, the Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

Senator Rauch requests to be recorded voting "aye" on the third reading of the Committee Substitute bill.

S.B. 358 (Committee Substitute), a bill clarifying that unemployment compensation benefits may be administratively withheld in IV-D child support cases.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Martin of Guilford to its third reading, the Committee Substitute bill remains on the Calendar for Monday, May 4, for further consideration.

S.B. 397, a bill to provide for driveway permit processes.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 479, a bill to permit the issuance of brown-bagging permits to veterans organizations.

Senator Harris offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training.

On motion of Senator Staton, consideration of the bill is postponed until Tuesday, May 5.

S.B. 552, a bill authorizing the Governor or his designated representative to establish the qualifications for promotion and retention of members of the National Guard.

On motion of Senator Staton, consideration of the bill is postponed until Tuesday, May 5.

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service.

On motion of Senator Staton, consideration of the bill is postponed until Tuesday, May 5.

H.B. 108, a bill to extend from three to five years the time for demanding property tax refunds.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 403, a bill to change the method by which property owned by a nonprofit homeowners' association is taxed.

The bill passes its second reading (electronically recorded).

After further debate, the bill passes its third reading and is ordered enrolled.

H.B. 599, a bill to amend G.S. 113-273 with respect to wild turkeys held under a game bird propagation license.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 602, a bill to amend G.S. 113-291.1 relating to the manner of taking migratory game birds.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 660, a bill to authorize the ABC Commission to close an insolvent ABC System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 717, a bill to make technical changes in the ABC Statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 260 (Committee Substitute), a bill to require General Assembly review of all changes in special use airspaces in the airspace over North Carolina, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 679, a bill to change the timing provision for entry of appeal when a motion for appropriate relief has been filed, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Agriculture Committee**.

S.B. 283, a bill to appropriate funds for completion of the Raleigh Farmers Market.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee**.

S.B. 363, a bill to appropriate funds for improving the public information and agricultural awards programs of the Department of Agriculture.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee.**

S.B. 364, a bill to appropriate funds for domestic marketing of agricultural products.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee.**

S.B. 559, a bill to amend the fertilizer law.

On motion of Senator speed, the bill is placed on the Calendar for Monday, May 4.

S.B. 570, a bill to increase the membership of the North Carolina Farmworker Council.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.B. 687, an act to amend the North Carolina Shareholder Protection Act. (Ch. 124)

On motion of Senator Royall, seconded by Senator Staton, the Senate adjourns to meet Monday at 7:30 P.M.

SIXTIETH DAY

SENATE CHAMBER,
Monday, May 4, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Robert Collins, Kings Mountain Baptist Church, Kings Mountain, as follows:

"Our Eternal God and Heavenly Father, we want to thank You for all the blessings of life, and praise You for those blessings. We are thankful for life, and we are thankful for health. Father, we are thankful for the families that we have and the friends that we know and associate with. Father, we are thankful for the opportunity that we have to serve, both mankind and also the opportunity to serve You and for the purpose that brings to our life.

"Father, we are reminded in Scripture that all authority begins and ends at Your feet, and though each one of these has been elected by a constituency of their friends and neighbors, we realize that we have a higher calling and a higher authority in You. Father, You have placed in their hand that authority to make the decisions that need to be made for this State. Father, what a privilege that is. What an awesome responsibility that is.

"Father, I want to pray for this meeting tonight and the meetings in the days ahead, that You will give and empower each one of these to catch a glimpse of Your will for this State, and then Father, give them the wisdom to know and the courage to act.

"Thank You, Father, for Your love and Your presence always in our lives, and we just pray that You would bless this meeting and bless these men who are Your servants, and we pray this in Your Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senators Bryan, who is chairing a church building committee meeting, Cobb, Seymour, who is attending a meeting of the North Carolina Federation of Women's Clubs in Greensboro, Shaw, and Soles.

The President grants courtesies of the gallery to Margaret Tennille, and to Ned Raeford Smith, former Representatives from Forsyth County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 300, an act to allow both word messages and symbols to be used for pedestrian traffic control signals. (Ch. 125)

S.B. 302, an act to change the sign message for exempt crossings. (Ch. 126)

H.B. 108, an act to extend from three to five years the time for demanding property tax refunds. (Ch. 127)

H.B. 296, an act to change the distribution of the net profits from the Madison and the Reidsville ABC Stores. (Ch. 128)

H.B. 394, an act to change the distribution of profits from the ABC stores in Sunset Beach. (Ch. 129)

H.B. 403, an act to change the method by which property owned by a nonprofit homeowners' association is taxed. (Ch. 130)

H.B. 404, an act to authorize the taking of black bears in certain counties. (Ch. 131)

H.B. 536, an act regulating hunting in Greene County. (Ch. 132)

H.B. 599, an act to amend G.S. 113-273 with respect to wild turkeys held under a game bird propagation license. (Ch. 133)

H.B. 602, an act to amend G.S. 113-291.1 relating to the manner of taking migratory game birds. (Ch. 134)

H.B. 660, an act to authorize the ABC Commission to close an insolvent ABC System. (Ch. 135)

H.B. 717, an act to make technical changes in the ABC Statutes. (Ch. 136)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

S.B. 790, a bill to clarify that the intangible tax shall not apply to funds composed entirely of obligations of the United States.
Referred to **Finance Committee.**

By Senator Seymour:

S.B. 791, a bill to permit certain small cities to hold alcoholic beverage elections.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Seymour:

S.B. 792, a bill to authorize all counties, and certain cities to convey property in lieu of appropriating funds.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Martin of Pitt:

S.B. 793, a bill to provide that the sale of drugs by a person age twenty-one or older to a person under age twenty-one is a felony.
Referred to **Judiciary III Committee.**

By Senators Hunt of Moore and Rauch:

S.B. 794, a bill to establish a program to help mature women train for jobs and personal development and to plan for financial self-sufficiency.
Referred to **Higher Education Committee.**

By Senator Swain:

S.B. 795, a bill to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting offenders.
Referred to **Judiciary III Committee.**

By Senators Swain, Harris, Royall, Speed, Thomas, and Warren:

S.B. 796, a bill to amend the clean detergent act to provide an exemption for the laundering of uniforms.
Referred to **Environment Committee.**

By Senator Swain:

S.B. 797, a bill to require the release of x-ray films upon proper patient request and to require urinalysis and serologic test results be made available to licensed health care providers by local, district and state health agencies.
Referred to **Human Resources Committee.**

By Senator Hunt of Durham:

S.B. 798, a bill to redefine average final compensation and compensation in the local governmental employees' retirement system and the teachers' and state employees' retirement system.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 799, a bill to provide vesting and disability option technical amendments in the local governmental employees' retirement system and the teachers' and state employees' retirement system.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 800, a bill to increase the retirement formula for members and beneficiaries, and permit an unreduced retirement allowance for a member after age 60 with 25 years of creditable service in the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 801, a bill to increase the death benefit to a maximum of thirty thousand dollars and to provide a survivor's alternate benefit after twenty years of creditable service regardless of age for members of the Teachers' and State Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 802, a bill to amend and clarify certain requirements for the retirement on a disability allowance by members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 803, a bill to make conforming changes in the Local Governmental Employees' Retirement System to: permit creditable service for unused sick leave to count toward eligibility for service retirement regardless of age; permit the purchase for creditable service for federal employment at full cost; permit the purchase of creditable service for probationary employment at full cost; permit the purchase of creditable service for previous permanent local government employment at full cost; permit the purchase of creditable service for temporary local government employment at full cost; permit an unreduced retirement allowance for a member after age 60 with 25 years of creditable service; and make a correction in the transfer of death benefit reserves.
Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 804, a bill to provide prorated cost of living adjustments to beneficiaries retired for less than one year in the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senators Barker and Smith:

S.B. 805, a bill to provide that a senior citizen may purchase at half price some commercial fishing licenses.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Barker:

S.B. 806, a bill to regulate the discharge of phosphate into the Neuse River Basin.
Referred to **Environment Committee.**

By Senator Swain:

S.B. 807, a bill to revise the outlawry statute to provide procedures that are constitutionally sufficient, to provide equal protection under the law, and to authorize citizens to arrest felons who are fugitives from justice.
Referred to **Judiciary III Committee.**

By Senators Thomas and Rauch:

S.B. 808, a bill to provide that tobacco products may not be sold to minors that minors may not use tobacco products on school premises.
Referred to **Children and Youth Committee.**

By Senator Hunt of Durham:

S.B. 809, a bill to permit members of the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System the right to roll over accumulated contributions to the Supplemental Retirement Income Plan in lieu of receiving a return of accumulated contributions, and to correct the contribution limitation to the Supplemental Retirement Income Plan.
Referred to **Pensions and Retirement Committee.**

By Senator Walker:

S.B. 811, a bill to provide that part of the commission allowed a personal representative shall be paid to a person who handles the disposition of the decedent's personal property.
Referred to **Judiciary III Committee.**

By Senator Rand:

S.B. 812, a bill to amend the Workers' Compensation Act by changing the definitions of "injury" and "hernia".
Referred to **Manufacturing and Labor Committee.**

By Senator Rand:

S.B. 813, a bill to require implementation of least cost planning initiatives by utilities.
Referred to **Commerce Committee.**

By Senator Rand:

S.B. 814, a bill regarding the use of funds appropriated for vocational education.
Referred to **Education Committee.**

By Senator Rand:

S.B. 815, a bill to permit the receipt and expenditure of certain federal funds for law enforcement activities.
Referred to **Judiciary IV Committee.**

By Senator Rand:

S.B. 816, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking by permitting the use of electronic surveillance in limited circumstances.
Referred to **Judiciary IV Committee.**

By Senator Hardison:

S.B. 817, a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction.
Referred to **State Government Committee.**

By Senators Hardison and Smith:

S.B. 818, a bill to provide for the civil liability of a defendant convicted of an offense of shoplifting or theft by employee.
Referred to **Judiciary II Committee.**

By Senators Rauch, Harris, Martin of Guilford, Shaw, and Seymour:

S.J.R. 819, a joint resolution honoring the life and memory of Hargrove "Skipper" Bowles.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Rauch:

S.B. 820, a bill to make fee adjustments.
Referred to **Finance Committee.**

By Senator Rauch:

S.B. 821, a bill to make various fee adjustments.
Referred to **Finance Committee.**

By Senator Rauch:

S.B. 822, a bill to permit the provision of shared use and resale of telephone services.
Referred to **Commerce Committee.**

By Senator McDuffie:

S.B. 823, a bill to require applicants for drivers license to show proof of financial responsibility before a drivers license is issued.
Referred to **Transportation Committee.**

By Senator Tally:

S.B. 824, a bill directing a study of the Water Quality Act of 1987 to determine state compatibility.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Rand:

S.B. 825, a bill to provide relief from the weight limitations for refuse haulers.
Referred to **Transportation Committee.**

By Senators Hardison and Smith:

S.B. 826, a bill to create a Political Subdivision Tort Claims Act.
Referred to **Judiciary II Committee.**

By Senator Hardison:

S.B. 827, a bill to change the standard of proof for the award of punitive damages and to eliminate punitive damages based on vicarious liability.
Referred to **Judiciary II Committee.**

By Senator Hardison:

S.B. 828, a bill to modify the collateral source rule.
Referred to **Judiciary II Committee.**

By Senator Rand:

S.B. 829, a bill to create the offense of "trafficking by lysergic acid diethylamide".
Referred to **Judiciary IV Committee.**

By Senator Hunt of Durham:

S.B. 830, a bill to conform the computation of retirement benefits upon subsequent retirement in the consolidated Judicial Retirement System to that found in the other state-administered retirement systems.
Referred to **Pensions and Retirement Committee.**

By Senators Basnight and Barker:

S.B. 831, a bill to promote aquaculture by the creation of a board to guide future development and to fund demonstration and experimental projects.
Referred to **Agriculture Committee.**

By Senator Basnight:

S.B. 832, a bill to amend the qualifications and consideration of relevant experience for sanitarians.
Referred to **Human Resources Committee.**

By Senator Barnes:

S.B. 833, a bill to change the standard fire insurance policy to provide for the production of only those business records related to the insured property.
Referred to **Insurance Committee.**

By Senator Staton:

S.B. 834, a bill to promote the safe placement of subsurface installations in North Carolina.
Referred to **Commerce Committee.**

By Senators Staton, Barnes, and Johnson of Wake:

S.B. 835, a bill to amend Chapter 97 "Workers' Compensation Act".
Referred to **Manufacturing and Labor Committee.**

By Senator Johnson of Wake:

S.B. 836, a bill to amend Chapter 93 relating to the practice as a certified public accountant or accountant.
Referred to **Judiciary II Committee.**

By Senator Johnson of Wake:

S.B. 837, a bill affecting the discipline of funeral services providers.
Referred to **Judiciary II Committee.**

By Senators Seymour, Barker, Bryan, Conder, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Rand, Shaw, Speed, Staton, Swain, Tally, and Ward:

S.B. 838, a bill to permit disclosure of information concerning adoptees and their biological relatives.
Referred to **Children and Youth Committee.**

By Senators Warren, Barnes, Plyler, Rand, Rauch, Royall, and Smith:

S.B. 839, a bill to allow local boards of education to obtain refunds of sales and use tax.
Referred to **Finance Committee.**

By Senator Taft:

S.B. 840, a bill to provide for increased involvement in water testing and analysis by private commercial laboratories.
Referred to **Environment Committee.**

By Senator Harris:

S.B. 841, a bill to adapt the mental health admissions law to permit emergency admissions for persons needing immediate hospitalization.
Referred to **Human Resources Committee.**

By Senators Hardison and Rauch:

S.B. 842, a bill to regulate the award of punitive damages in civil cases and to provide for itemized verdicts.
Referred to **Judiciary II Committee.**

By Senators Hardison and Rauch:

S.B. 843, a bill to modify joint and several liability so that a defendant is liable to a plaintiff only to the degree he was responsible for the damages suffered by the plaintiff.
Referred to **Judiciary II Committee.**

By Senators Hardison, Rauch, and Smith:

S.B. 844, a bill to limit the amount of damages for noneconomic losses in civil cases to $250,000 and to provide for itemized verdicts.
Referred to **Judiciary II Committee.**

By Senator Barker:

S.B. 845, a bill to encourage waterfowl habitat conservation on private lands by authorizing the Wildlife Resources Commission to license approved habitat projects and by granting a tax deduction for the landowner's expenses.
On motion of Senator Barker, the bill is ordered held as filed.

By Senators Speed, Basnight, Conder, Hunt of Moore, Martin of Guilford, Richardson, and Seymour:

S.B. 846, a bill to provide for the disclousre of adoption records upon the request of an adopted person who is twenty-one years of age or older.
Referred to **Children and Youth Committee.**

By Senators Speed, Basnight, Bryan, Hardison, Hunt of Durham, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Rauch, Shaw, Staton, and Swain:

S.B. 847, a bill to permit a member of the Teachers' and State Employees' Retirement System to purchase time lost due to an extended illness, by paying the full actuarial cost.
Referred to **Pensions and Retirement Committee.**

By Senator Tally:

S.B. 848, a bill to add a new Chapter to the General Statutes to create the North Carolina Low-Level Radioactive Waste Management Authority.
Referred to **Environment Committee.**

By Senator Daniel (By Request):

S.B. 849, a bill to allow disbursement of Social Services' compensation for injured parties and for attorney's fees from collected insurance proceeds.
Referred to **Human Resources Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 127 (Committee Substitute), a bill to require declarations of intent and petitions for write-in candidates, but exempting municipal and nonpartisan elections.
Referred to **Election Laws Committee.**

H.B. 193 (Committee Substitute No. 2), a bill to define resumption of marital relations by separated spouses.
Referred to **Judiciary I Committee.**

H.B. 416, a bill to amend G.S. 130A-80 and 130A-83 and validating certain actions relating to sanitary districts.
Referred to **Human Resources Committee.**

H.B. 558 (Committee Substitute), a bill to provide for transportation of certain persons in admission and commitment proceedings under Chapter 122C of the General Statutes.
Referred to **Human Resources Committee.**

H.B. 608 (Committee Substitute), a bill to amend the organization of the State Bar and to eliminate the sunset provision relating to attorney discipline.
Referred to **Judiciary I Committee.**

H.B. 643 (Committee Substitute), a bill to provide for the filing of housing code notices or orders in the notice of *lis pendens* by certain local governments.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 686, a bill authorizing the City of Durham to establish requirements concerning apartheid in projects financed with public funds.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 690, a bill authorizing the City of Durham to enforce building and housing ordinances in any manner prescribed for the enforcement of general ordinances of the City.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 708, a bill to change the name of the "Industrial Development Commission" for Stanly County to the "Economic Development Commission" for Stanly County.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 710, a bill to amend G.S. 58-124.23 to provide for automobile insurance rate discounts for senior citizens.
Referred to **Insurance Committee.**

H.B. 722, a bill to exempt the Town of Grifton from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 741, a bill to require the County Commissioners of Clay County to provide adequate funds, personnel and equipment to the Sheriff of Clay County for law enforcement in the County.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 765, a bill to permit regulation of maritime forests by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 807, a bill to authorize the Environmental Management Commission to consider the financial capability and performance history of applicants for air and water discharge permits prior to granting such permits.
Referred to **Environment Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S.J.R. 474

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 474**, a joint resolution honoring the life and memory of Carl Daniel Totherow, a former member of the General Assembly.

The joint resolution passes its second reading (electronically recorded) and third reading, with members standing, and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 138, a bill to authorize Moore County to levy a room occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Smith, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--36.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 305, a bill to authorize Yancey County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Smith, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 420, a bill to authorize Mitchell County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Smith, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 429, a bill to authorize the levy of a room occupancy and tourism development tax in Averasboro Township in Harnett County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Smith, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 540, a bill to authorize Pitt County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Smith, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 505, a bill to exempt the County of Stokes from certain zoning notice requirements.

On motion of Senator Barnes, consideration of the bill is postponed until Friday, May 15.

S.B. 246 (Committee Substitute), a bill to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 559, a bill to amend the fertilizer law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 576, a bill to amend the North Carolina Geologists Licensing Act.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

Senator Rauch offers a motion that further consideration of the bill, as amended, be postponed until, Wednesday, May 6, which motion prevails (electronically recorded).

S.B. 358 (Committee Substitute), a bill clarifying that unemployment compensation benefits may be administratively withheld in IV-D child support cases, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 37 (Committee Substitute), a bill to expedite proceedings involving child victims and witnesses, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the 1985 Session of the General Assembly are referred to committee, as follows:

Executive Order Number 44

Amendment to Executive Order 29 Governor's Task force on Racial, Religious and Ethnic Violence and Intimidation.

Referred to **Rules and Operation of the Senate Committee.**

Executive Order Number 45

The Governor's Language Institutes Advisory Board.

Referred to **Rules and Operation of the Senate Committee.**

Executive Order Number 46
Amendment to Executive Order Number 40 Governor's Commission for the Family.
Referred to **Rules and Operation of the Senate Committee.**

The President recognizes the following pages serving in the Senate this week: Bobby Alley, Gibson; Gerry Alley, Gibson; Beth Andrews, Wake Forest; Katheryn JoAnn Bedsole, Fayetteville; Mark Lenzie Bibbs, Kings Mountain; Paula Bowman, Roxboro; Meredith Butler, Durham; David Charles Creech, Cary; Tammy Sue Dutton, Wendell; Sue Ann Everett, Palmyra; Al Jones, Wake Forest; Channing Reid Sinclair King, Durham; Christine Louise Nashick, New Bern; Joan Pace, Clayton; Wendy Rewa Rowe, Princeton; Bryan Prentice Williams, Chapel Hill; Robert "Todd" Womble, Greensboro.

On motion of Senator Harrington, seconded by Senator Sands, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-FIRST DAY

SENATE CHAMBER,
Tuesday, May 5, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Rabbi Yoseph Groner, Director of Lubavitch of North Carolina, Inc., Charlotte, as follows:

"Master of masters, King of the universe, Creator of heaven and earth who guides us with divine providence and sustains us with infinite mercy. Bestow from your sacred wisdom and impart from your divine knowledge upon the distinguished people of this great assemblage, to lead and inspire our citizens of this greatest State with moral justice and pride in the path that You outlined as the Seven Noahdite laws which will preserve and make us recognize our sacred trust to the world, through wisdom, love, decency, moral courage, and compassion.

"Let this prestigious Body serve as an example to the entire country as one that will bring, 'All nations that You have made to come and bow down before You, and give honor to Your Name.' For You are great and perform wonders: You, alone, O God. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Shaw, due to illness, for today.

The President grants courtesies of the floor to Melvin L. Watt, former Senator from Mecklenburg County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Staton for the **Economic Growth Committee.**

S.B. 554, a bill to assist small business development, with a favorable report.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee.**

S.B. 622, a bill pertaining to the manner of qualifying areas for annexation by the City of Durham, with a favorable report.

S.B. 623, a bill to amend the Charter of the City of Durham to permit the establishment of one or more incubator facilities, with a favorable report.

S.B. 647, a bill authorizing counties to establish requirements concerning apartheid in projects financed with public funds, with a favorable report.

H.B. 441 (Committee Substitute), a bill to allow certain named municipalities to dispose of agricultural commodities in any manner regardless of its value, with a favorable report.

H.B. 480, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 74 and U.S. Highway 76 in Columbus County, with a favorable report.

H.B. 487, a bill to authorize the City Manager of Charlotte to reject bids when appropriate without action by the Charlotte City Council, with a favorable report.

H.B. 523, a bill to provide staggered terms for the Board of Commissioners of Lincoln County, with a favorable report.

H.B. 524, a bill to repeal the High Point Career Service Law, with a favorable report.

H.B. 533, a bill to amend the Erwin Town Charter to permit annexation of areas lying within the corporate boundaries, with a favorable report.

H.B. 552, a bill to extend the corporate limits of the Town of Rutherfordton, with a favorable report.

H.B. 554, a bill to revise and consolidate the Charter of the City of Kinston, with a favorable report.

By Senator Swain for the **Judiciary III Committee.**

S.B. 612, a bill to repeal the laws relating to trademarks of mineral waters and beverages, with a favorable report.

S.B. 700, a bill to permit the Department of Human Resources to enter into interstate reciprocal agreements for the transfer of driving under the influence offenders, with a favorable report.

H.B. 137 (Committee Substitute), a bill to amend the Statutes relating to professional bail bondsmen and runners, with a favorable report, as amended.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee.**

S.B. 415, a bill relating to leasing and renting of the Charlotte Auditorium-Coliseum-Convention Center-Baseball Stadium Authority properties and facilities, with a favorable report.

S.B. 500, a bill to remove territory from the Town of Hudson and add it to the City of Lenoir, with a favorable report.

S.B. 613, a bill to exempt Buncombe County from certain procedural requirements on disposal of land as an industrial park, with a favorable report.

S.B. 638, a bill to exempt Iredell County and other counties and incorporated municipalities located therein from certain zoning notice requirements, with a favorable report.

S.B. 518, a bill to revise and consolidate the Charter of the City of Salisbury and to repeal prior Charter acts, with a favorable report, as amended.

S.B. 634, a bill to exempt the Town of Southern Pines from certain zoning notice requirements, with a favorable report, as amended.

By Senator Richardson for the **Veterans Affairs and Senior Citizens Committee.**

H.B. 283, a bill authorizing the establishment of veterans cemeteries, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Martin of Guilford and Speed:

S.B. 850, a bill to expand the criminal law prohibiting animal fighting and to raise the penalty for violations.
Referred to **Judiciary I Committee.**

By Senator Speed:

S.B. 851, a bill to create categories of day care facilities.
Referred to **Children and Youth Committee.**

By Senator Hardison:

S.B. 852, a bill making technical corrections to the property tax statutes concerning the listing and appraisal of property.
Referred to **Finance Committee.**

By Senator Hardison:

S.B. 853, a bill to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax.
Referred to **Finance Committee.**

By Senator Daniel (By Request):

S.B. 854, a bill to adjust the threshold under the conflict of interest statute.
Referred to **Judiciary III Committee.**

By Senator Hardison:

S.J.R. 855, a joint resolution authorizing the Legislative Research Commission to study the interbasin transfer of water and instream flows.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Harris:

S.J.R. 856, a joint resolution authorizing the Legislative Research Commission to study the issue of the care provided by rest homes, intermediate care facilities, and skilled nursing homes.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Harris:

S.B. 857, a bill to establish eighteen full-time equivalent long-term care ombudsmen positions.

Referred to **Human Resources Committee.**

By Senator Hunt of Durham:

S.B. 858, a bill to establish a Uniform Disability Income Plan for Teachers and State Employees in lieu of Disability Retirement Benefits and the Disability Salary Continuation Plan.

Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 859, a bill to conform the computation of retirement benefits upon subsequent retirement in the Legislative Retirement System and the Consolidated Judicial Retirement System to that found in the other State-administered retirement systems.

Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 860, a bill to provide for payment of retirement benefits for members in the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System who have attained age 70 1/2.

Referred to **Pensions and Retirement Committee.**

By Senator Hunt of Durham:

S.B. 861, a bill to permit a taxpayer to file a late application for property tax exemption or exclusion for listed property, and to require a taxpayer whose property is appraised by the Department of Revenue to apply to the Department instead of the county assessor for exemption or exclusion of the property from taxation.

Referred to **Finance Committee.**

By Senator Johnson of Wake:

S.B. 862, a bill to require Preferred Provider Organizations to consider participation or enrollment of new providers on at least an annual basis.

Referred to **Judiciary II Committee.**

By Senator Johnson of Wake:

S.B. 863, a bill to make certain changes in the law regarding fraudulent disposal of property.

Referred to **Judiciary II Committee.**

By Senator Goldston:

S.B. 864, a bill to exempt businesses with a net worth of more than five million dollars from the requirements of the business opportunity sales requirements of Chapter 66 of the General Statutes.

Referred to **Transportation Committee.**

By Senator Plyler:

S.B. 865, a bill regarding eligibility for transporter plates.
Referred to **Transportation Committee.**

By Senator Thomas:

S.B. 866, a bill to extend the allowable discount period for payment of property taxes and to transfer the responsibility for approving discount schedules from the Department of Revenue to the Local Government Commission.
Referred to **Finance Committee.**

By Senators Sherron, Basnight, Tally, and Ward:

S.B. 867, a bill to amend G.S. 113-291 with respect to the regulation of fox hunting and fox trapping, and to repeal local laws concerning the taking of foxes.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senators Martin of Pitt and Smith:

S.B. 868, a bill to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services.
Referred to **Human Resources Committee.**

By Senators Staton and Guy:

S.B. 869, a bill to recognize the difficulty in exactly locating nonmagnetic underground utility lines by providing protection for such nonmagnetic lines installed within a year of the effective date of the 1985 Underground Damage Protection Act.
Referred to **Commerce Committee.**

By Senators Basnight and Barker:

S.B. 870, a bill to reorganize the Marine Fisheries Commission.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Rand:

S.B. 871, a bill to create an Adoptions and Surrogate Parenthood Study Commission.
Referred to **Children and Youth Committee.**

By Senator Rand:

S.B. 872, a bill to amend the statute making attempting to elude a law enforcement officer in a motor vehicle a misdemeanor.
Referred to **Judiciary IV Committee.**

By Senator Rand:

S.B. 873, a bill to make a technical and clarifying change to the Bank Holding Company Act of 1984.
Referred to **Commerce Committee.**

By Senators Walker, Basnight, Harrington, Hunt of Moore, Kaplan, Martin of Pitt, Marvin, Plyler, Rand, Sherron, Taft, Tally, and Ward:

S.J.R. 874, a joint resolution to authorize the Legislative Research Commission to study historic preservation.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Barker:

S.B. 875, a bill to encourage waterfowl habitat conservation on private lands by authorizing the Wildlife Resources Commission to license approved habitat projects and by granting a tax deduction for the landowner's expenses.
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Barker:

S.B. 876, a bill to direct the Administrative Office of the Courts to design a form that allows the defendant to waive trial of a traffic offense and accept a plea bargain agreed to by his attorney and the district attorney.
Referred to **Judiciary II Committee.**

By Senator Swain:

S.B. 877, a bill to provide that the Commissioner of Motor Vehicles shall appoint the County Tax Collector as the authorized tag agent in each county.
Referred to **Transportation Committee.**

By Senator Martin of Guilford:

S.B. 878, a bill to require insurance companies to offer uninsured and underinsured motorists coverage whenever automobile liability insurance policies are renewed, and permit joint and several liability in cases of motor vehicle collisions or accidents.
Referred to **Insurance Committee.**

By Senator Martin of Guilford:

S.B. 879, a bill to protect the rights of sales representatives to post-terminations sales commissions.
Referred to **Judiciary I Committee.**

By Senator Sherron:

S.B. 880, a joint resolution authorizing the Legislative Research Commission to study the issue of providing a statewide network of volunteers to serve people in need of emergency care.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Barnes, Basnight, Barker, Block, and Guy:

S.B. 881, a bill to create the Marine Fisheries Seafood Production Study Commission.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 528, a bill to repeal the Charter of the inactive Town of Lawrence.
Referred to **Local Government and Regional Affairs II Committee.**

H.J.R. 590, a joint resolution expressing the continued support by the North Carolina General Assembly of the ratification by the States of the original second amendment of the Bill of Rights, concerning pay of members of Congress, and urging its ratification by the 32 States which have not yet ratified it.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 665, a bill to amend the Charter of the City of High Point relating to the Mayor *Pro Tempore.*

Referred to **Local Government and Regional Affairs I Committee.**

H.B. 668, a bill to rewrite the Charter of the Town of Carrboro.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 694, a bill amending the Charter of the City of Durham to permit the sale or other transfer of property subject to certain conditions and restrictions.

Referred to **Local Government and Regional Affairs I Committee.**

H.B. 769, a bill enabling the City of Elizabeth City and the County of Pasquotank to establish an Airport Authority for the construction, operation, use and maintenance of airport facilities in the County of Pasquotank.

Referred to **Local Government and Regional Affairs II Committee.**

H.B. 797, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an Airport Authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said Airport Authority all powers set out in Chapter 63 of the General Statutes of North Carolina.

Referred to **Local Government and Regional Affairs I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 629, a bill to provide that the Counties of Alexander, Catawba, Iredell, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 245, a bill to promote peer review activities of health care providers and to require risk management programs and hospital privilege procedures in hospitals.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 263, a bill to provide authority to establish laboratory certification fees, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

On motion of Senator Staton, the bill, as amended, is re-referred to the **Judiciary I Committee.**

S.B. 552, a bill authorizing the Governor or his designated representative to establish the qualifications for promotion and retention of members of the National Guard.

On motion of Senator Staton, the bill is re-referred to the **Judiciary I Committee.**

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service.

On motion of Senator Staton, the bill is re-referred to the **Judiciary I Committee.**

S.B. 113 (Committee Substitute), a bill to provide a State income tax credit to employers who create jobs in severely distressed counties of the State, upon third reading.

Senator Rauch offers Amendment No. 1.

On motion of Senator Rauch, further consideration of the Committee Substitute bill, with Amendment No. 1 pending, is postponed until Wednesday, May 6.

S.B. 372 (Committee Substitute), a bill to limit the liability of a trustee, officer, or director of a nonprofit corporation, as amended, upon third reading.

On motion of Senator Ezzell, consideration of the Committee Substitute bill, as amended, is postponed until Thursday, May 7.

H.B. 188 (Committee Substitute), a bill to clarify the law regarding detention of a juvenile bound over to Superior Court, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina, upon third reading.

On motion of Senator Warren, consideration of the Committee Substitute bill is postponed until Wednesday, May 6.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee.**

S.B. 193 (House Committee Substitute), a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations, with a favorable report, as to concurrence.

S.B. 265, a bill to make G.S. 130A-24(a) consistent with G.S. Chapter 150B, the Administrative Procedure Act, with a favorable report.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 37 (Committee Substitute), an act to expedite proceedings involving child victims and witnesses. (Ch. 137)

H.B. 12, an act to provide for coded bill drafts, where the law to be amended is set out showing the deletions and insertions proposed by the bill. (Ch. 138)

H.B. 78 (Committee Substitute), an act to allow the judge in sentencing for driving while impaired to credit the defendant with time served as an inpatient in a treatment facility. (Ch. 139)

H.B. 305, an act to authorize Yancey County to levy a room occupancy and tourism development tax. (Ch. 140)

H.B. 420, an act to authorize Mitchell County to levy a room occupancy and tourism development tax. (Ch. 141)

H.B. 429, an act to authorize the levy of a room occupancy and tourism development tax in Averasboro Township in Harnett County. (Ch. 142)

H.B. 540, an act to authorize Pitt County to levy a room occupancy and tourism development tax. (Ch. 143)

S.J.R. 474, a joint resolution honoring the life and memory of Carl Daniel Totherow, a former member of the General Assembly. (Res. 20)

WITHDRAWAL FROM COMMITTEE

S.B. 433, a bill to modify the North Carolina State Education Assistance Authority.

On motion of Senator Martin of Guilford, without objection, the rules are suspended, and the bill is taken from the **Finance Committee** and is placed on the Calendar for Wednesday, May 6, upon second reading.

On motion of Senator Harrington, seconded by Senator Seymour, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SECOND DAY

SENATE CHAMBER,
Wednesday, May 6, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Harvey L. Dukes, Minister of First Baptist Church, Cary, as follows:

"Almighty God, we pray Thy blessings upon these Thy servants, the Members of this Body. Grant them freedom with discipline, motivation with understanding, and determination with compassion as they fulfill their responsibilities. Give them the will for self-preservation, and the strength and power to help those who are willing to help themselves. Give them insight and patience, wisdom along with a sense of duty, and ability coupled with restraint to adjust to the changes in nature and men. Continue to bless them with Your heavenly and earthly bounties and never let them be in want. Guide them in being friendly and generous toward one another. Instill in them faith and knowledge, and let all of them have the ability to live at peace within themselves.

"O Lord, show the people of our State and nation the right way to serve and guard the sacredness of all orderly freedoms. Let us all realize that You have given us riches not given to any other state or nation. We pray that we will be ever grateful and accept the responsibilities which they entail. You are our God, and to You we would ascribe glory and honor now and forever. Amen."

On motion of Senator Daniel, the rules are suspended to the end that Donna Oliver, National Teacher of the Year, is allowed to approach the Well of the Senate where she

briefly addresses the members of the Senate. Senators Daniel, Ward, Warren, and Rand are appointed to escort Ms. Oliver to the Well of the Senate.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 188 (Committee Substitute), an act to clarify the law regarding detention of a juvenile bound over to Superior Court. (Ch. 144)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee.**

S.B. 240, a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Friday, May 8, for further consideration.

By Senator Harris for the **Human Resources Committee.**

S.B. 341, a bill to remove the sunset and permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways, with a favorable report.

S.B. 393, a bill to provide for return of clients to 24-hour facilities, with a favorable report.

S.B. 475, a bill to make certain changes in the involuntary commitment of substance abusers, with a favorable report.

S.B. 507, a bill to repeal the statute establishing the Human Tissue Advisory Council, with a favorable report.

S.B. 229, a bill to amend the North Carolina Drinking Water Act, with a favorable report, as amended.

S.B. 230 (Committee Substitute No. 2), a bill to authorize the Commission for Health Services to adopt rules governing the sanitation of retail seafood businesses, and to make other conforming changes in Article 8 of G.S. Chapter 130A, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill No. 2, which changes the title to read, **S.B. 230** (Committee Substitute), a bill to make clarifying changes in the permitting requirements for meat markets and food and lodge facilities, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill No. 2 is adopted.

On motion of Senator Harris, the Committee Substitute bill No. 2 is placed on the Calendar for Friday, May 8, for further consideration.

S.B. 344, a bill to authorize the discharge of clients who escape or breach the condition of release, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Friday, May 8, for further consideration.

By Senator Speed for the **Agriculture Committee**.

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication, with a favorable report, as amended.

S.B. 558, a bill to permit L.P. gas dealer to use other means of financial responsibility besides insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Speed, the Committee Substitute bill is placed on the Calendar for Friday, May 8, for further consideration.

By Senator Conder for the **Children and Youth Committee**.

S.B. 386, a bill to establish a Commission on Child Support, with a favorable report.

On motion of Senator Conder, the bill is re-referred to the **Rules and Operation of the Senate Committee**.

S.B. 602, a bill to protect children placed for adoption, with a favorable report.

H.B. 175 (Committee Substitute), a bill to amend the definition of caretaker in the Juvenile Code, with a favorable report.

By Senator Guy for the **State Government Committee**.

S.B. 505, a bill to provide for the use of a facsimile signature and seal by the Secretary of State, with a favorable report.

S.B. 657, a bill to change the holiday for Easter from Easter Monday to Good Friday, with a favorable report.

H.B. 356, a bill to amend the escheat and abandoned property laws of North Carolina, to ease compliance with its provisions, with a favorable report.

S.B. 476, a bill to amend Chapter 44A, Article 3, to require prompt payment by bonding companies and to extend the filing time, with a favorable report, as amended.

S.B. 571, a bill to appropriate funds to establish a pilot program for historic properties management, with a favorable report, as amended.

On motion of Senator Guy, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No.1 is adopted.

On motion of Senator Guy, the bill, as amended, is re-referred to the **Appropriations Committee**.

H.B. 701, a bill to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund, with a favorable report, as amended.

By Senator Parnell for the **Insurance Committee.**

S.B. 511, a bill to make technical corrections to the insurance law, with a favorable report, as amended.

S.B. 459, a bill to allow North Carolina commercial fishermen to form Hull and Protection and Indemnity Clubs to which the general insurance laws do not apply, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 459** (Committee Substitute), a bill to allow North Carolina commercial fishermen to form Hull Insurance, and Protection and Indemnity Clubs, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Friday, May 8, for further consideration.

By Senator Seymour for the **Alcoholic Beverage Control Committee.**

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts, with a favorable report.

S.B. 565, a bill to amend the expiration time for purchase-transportation permits, with a favorable report.

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms, with a favorable report.

S.B. 654, a bill to modify the miscellaneous provision for the issue of permits for business on school and college campuses, with a favorable report.

H.B. 534, a bill to increase the membership of the Edgecombe County ABC Board and to provide for the appointment of the Chairman, with a favorable report.

S.B. 671, a bill to regulate Sunday sales and consumption of alcoholic beverages, with a favorable report, as amended.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee.**

S.B. 824, a bill directing a study of the Water Quality Act of 1987 to determine State compatibility, with a favorable report.

By Senator Goldston for the **Transportation Committee.**

S.B. 656, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes, with a favorable report.

H.B. 431, a bill to permit the Department of Transportation to set the speed limit on Interstate Highways at a maximum of sixty-five miles per hour, with a favorable report.

S.B. 301, a bill to delete the requirement that vehicles approaching a flashing yellow light should yield the right of way, with a favorable report, as amended.

S.B. 402, a bill to authorize the Department of Transportation to negotiate contracts with utility companies, with a favorable report, as amended.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 568, a bill to authorize the County Manager to reject bids when appropriate without action by the Mecklenburg County Board of Commissioners.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 659, a bill to permit Cumberland County to use unmarked County vehicles for delivery of certain human services.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 689, a bill to provide for reciprocity licensing of nonresident barbers by examination in certain circumstances.
Referred to **State Government Committee.**

H.B. 774, a bill to establish a "no-wake" speed zone for motorboats at Sunset Harbor and the Village of Bald Head Island.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 796, a bill to add two additional licensed cosmetologists to the State Board of Cosmetic Art Examiners to be appointed by the General Assembly.
Referred to **State Government Committee.**

H.B. 829, a bill to update the statements of the powers and duties of the Department of Cultural Resources, Division of State Library.
Referred to **State Government Committee.**

RE-REFERRAL

S.B. 780, a bill to exempt businesses with a net worth of more than five million dollars from the requirements of the business opportunity sales requirements of Chapter 66 of the General Statutes.
On motion of Senator Goldston, the rules are suspended and, without objection, the bill is taken from the **Judiciary IV Committee** and re-referred to the **Transportation Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 629, a bill to provide that the Counties of Alexander, Catawba, Iredell, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map, as amended, upon third reading.
The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.
Voting in the negative: None.
The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 500, a bill to remove territory from the Town of Hudson and add it to the City of Lenoir, upon second reading.
The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration, upon third reading.

S.B. 518, a bill to revise and consolidate the Charter of the City of Salisbury and to repeal prior Charter acts, upon second reading.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration, upon third reading.

S.B. 622, a bill pertaining to the manner of qualifying areas for annexation by the City of Durham, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

H.B. 533, a bill to amend the Erwin Town Charter to permit annexation of areas lying within the corporate boundaries, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

H.B. 552, a bill to extend the corporate limits of the Town of Rutherfordton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

H.B. 554, a bill to revise and consolidate the Charter of the City of Kinston, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

S.B. 415, a bill relating to leasing and renting of the Charlotte Auditorium-Coliseum-Convention Center-Baseball Stadium Authority properties and facilities.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 613, a bill to exempt Buncombe County from certain procedural requirements on disposal of land as an industrial park.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 623, a bill to amend the Charter of the City of Durham to permit the establishment of one or more incubator facilities.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 634, a bill to exempt the Town of Southern Pines from certain zoning notice requirements.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 638, a bill to exempt Iredell County and other counties and incorporated municipalities located therein from certain zoning notice requirements.

Senator Johnson of Cabarrus offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 441 (Committee Substitute), a bill to allow certain named municipalities to dispose of agricultural commodities in any manner regardless of its value.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 480, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 74 and U.S. Highway 76 in Columbus County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 487, a bill to authorize the City Manager of Charlotte to reject bids when appropriate without action by the Charlotte City Council.

The bill passes its second and third readings and is ordered enrolled.

H.B. 523, a bill to provide staggered terms for the Board of Commissioners of Lincoln County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 524, a bill to repeal the High Point Career Service Law.

The bill passes its second and third readings and is ordered enrolled.

S.B. 433, a bill to modify the North Carolina State Education Assistance Authority, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 265, a bill to make G.S. 130A-24(a) consistent with G.S. Chapter 150B, the Administrative Procedure Act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 554, a bill to assist small business development.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 576, a bill to amend the North Carolina Geologists Licensing Act, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 612, a bill to repeal the laws relating to trademarks of mineral waters and beverages.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 647, a bill authorizing counties to establish requirements concerning apartheid in projects financed with public funds.

Senator Johnson of Wake offers Amendment No. 1.

Senator Ezzell offers a motion that the bill with Amendment No. 1 pending be re-referred to the **Judiciary I Committee**, which motion prevails (electronically recorded).

S.B. 700, a bill to permit the Department of Human Resources to enter into interstate reciprocal agreements for the transfer of driving under the influence offenders.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 137 (Committee Substitute), a bill to amend the Statutes relating to professional bail bondsmen and runners.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 283, a bill authorizing the establishment of veterans cemeteries.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 113 (Committee Substitute), a bill to provide a State income tax credit to employers who create jobs in severely distressed counties of the State, with Amendment No. 1 pending, upon third reading.

Without objection, Senator Rauch withdraws Amendment No. 1.

Senator Rauch offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 245, a bill to promote peer review activities of health care providers and to require risk management programs and hospital privilege procedures in hospitals, as amended, upon third reading.

Senator Taft offers Amendment No. 2 which is adopted (electronically recorded).

Senator Taft offers Amendment No. 3 which is adopted (electronically recorded).

Senator Block offers Amendment No. 4.

Senator Goldston, seconded by Senator Hardison, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 4 lies upon the table.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

S.B. 193 (House Committee Substitute), a bill to expand the traffic control authority of firemen and rescue squad members in emergency situations, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

RECONSIDERATION

H.B. 137 (Committee Substitute), a bill to amend the Statutes relating to professional bail bondsmen and runners, as amended.

Senator Swain moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

The bill, as amended, remains before the Senate for further consideration, upon third reading.

Senator Sands offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee.**

S.B. 653, a bill to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond, with a favorable report.

By Senator Rauch for the **Finance Committee.**

S.B. 15, a bill to expand the income tax deduction for expenses to maintain a parent, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

S.B. 224, a bill to authorize the Town of Beech Mountain to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 261, a bill to authorize Wilson County to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities., with a favorable report

S.B. 322, a bill to permit the allocation of individual income tax refunds to the North Carolina Fund for Children and Families, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Wednesday, May 13.

S.B. 330, a bill to authorize Gaston County to levy a room occupancy tax, with a favorable report.

S.B. 334, a bill to permit the allocation of corporate income tax refunds to the North Carolina Fund for Children and Families, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Wednesday, May 13.

S.B. 338, a bill to authorize Halifax County to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 520, a bill to authorize Rowan County to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 667, a bill authorize Burke County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 381, a bill to authorize Pasquotank County and the City of Elizabeth City to levy occupancy taxes, with a favorable report.

H.B. 555, a bill to authorize Currituck County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 626, a bill authorizing Henderson County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 629, a bill to authorize the Town of Blowing Rock to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 661, a bill to authorize the Town of Boone to levy a room occupancy and tourism development tax, with a favorable report.

By Senator Barnes for the **Judiciary I Committee.**

S.B. 403, a bill to provide for the cancellation of a money judgment by the Clerk of Court upon full payment by the debtor as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 403** (Committee Substitute), a bill to provide for the cancellation of a money judgment by the Clerk of Court upon full payment by the debtor as recommended by the General Statutes Commission and the Conference of Clerks of Superior Court, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Friday, May 8, for further consideration.

S.B. 471, a bill to limit the liability of landowners to persons using their land in connection with the Trails System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Friday, May 8, for further consideration.

EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the 1985 Session of the General Assembly are referred to committee, as follows:

Executive Order Number 47, Amendment to Executive Order Number 27, "North Carolina Fund for Children and Families Commission".

Referred to **Rules and Operation of the Senate Committee.**

On motion of Senator Harrington, seconded by Senator Hunt of Moore, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-THIRD DAY

SENATE CHAMBER,
Thursday, May 7, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Justice, we recall the giving of the Ten Commandments through Your servant Moses, and we pray that each of us may faithfully fulfill our obligations to You and to one another as outlined in these Commandments.

"O God of Integrity, we thank Thee for the dedication and leadership of our Governor, our Lieutenant Governor, our Legislators, our Judges, our pastors, our teachers, and the public officials of this fair State.

"We acknowledge that the image of politicians and preachers has been damaged by recent events in our State and our nation, and we ask for forgiveness for all who have sinned against You, the church, the government, or one another.

"Give to the body politic and to the Body of Christ a new sense of urgency about the need for integrity and high moral standards among pastors and people and among politicians and constituents.

"Give to the followers of all faiths, to the members of both political parties, and to all the citizens of our State and nation a sense of integrity, and keep us mindful that we are all accountable to You for all that we say and do in this place and in all places. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Cobb, who is attending a meeting in Washington, D.C., to Senators Kaplan and Ward, who are attending a meeting of the State-Federal Assembly of the National Conference of State Legislatures in Washington, D.C., and to Senator McDuffie.

The President grants courtesies of the gallery to Delores Hope, wife of comedian, "Bob" Hope.

WITHDRAWAL FROM CALENDAR

H.B. 505, a bill to exempt the County of Stokes from certain zoning notice requirements.

On motion of Senator Sands, the bill is taken from the Calendar for Friday, May 15, and is placed on the Calendar for today in its regular order of business.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Alcoholic Beverage Control Committee:**

S.B. 545, a bill to permit the holding of ABC elections in certain unincorporated areas of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Seymour, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 545** (Committee Substitute), a bill to permit ABC permits to be issued in certain unincorporated areas of the State, is placed before the Senate for immediate consideration, and on her further motion, the Committee Substitute bill is adopted.

On motion of Senator Seymour, the Committee Substitute bill is placed on the Calendar for Monday, May 11, for further consideration.

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 311, a bill to clarity the Fair Housing Act, with a favorable report.

On motion of Senator Johnson of Wake, the bill is placed on the Calendar for Thursday, May 14.

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits, with a favorable report.

S.B. 748, a bill to make appeals from the Division of Motor Vehicles license actions lie in District Court, with a favorable report.

S.B. 661, a bill to permit the garnishment of wages for certain debts owed to public hospitals, with a favorable report, as amended.

By Senator Hunt of Durham for the **Pensions and Retirement Committee**:

S.B. 525, a bill to provide a supplemental retirement fund for firemen in the Town of Selma and to modify the application of G.S. 118-5, G.S. 118-6, and G.S. 118-7 to the Town of Selma, with a favorable report.

H.B. 89, a bill to amend the law relating to the monthly benefits of the Greensboro Firemen's Supplemental Retirement System, with a favorable report.

H.B. 191, a bill to make clarifying technical changes in the retirement and pension benefits for State and certain local government employees, with a favorable report.

H.B. 270, a bill to make changes in the North Wilkesboro Firemen's Supplementary Fund, with a favorable report.

H.B. 321, a bill to define the phrase "in service" as it pertains to the survivor's alternate benefit in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, with a favorable report.

H.B. 389, a bill to amend the Fireman's Relief Fund to provide additional benefits, with a favorable report.

H.B. 525, a bill to increase the Henderson Firemen's Supplemental Retirement System benefits, with a favorable report.

By Senator Speed for the **Agriculture Committee**:

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee**.

By Senator Soles for the **Judiciary IV Committee**:

S.B. 648, a bill to modify the law regarding costs for appeal for trial *de novo*, with a favorable report.

S.B. 480, a bill to permit real estate license surrender, to simplify recovery fund claims, and to make certain violations of the Time Share Act criminal offenses, with a favorable report, as amended.

S.B. 539, a bill to provide for confidentiality of medical database information, with a favorable report, as amended.

S.B. 668, a bill regarding flying while impaired, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Monday, May 11, for further consideration.

By Senator Hardison for the **Commerce Committee**:

S.B. 203, a bill to replace Chapter 24 of the General Statutes with a new Chapter regulating interest, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill, which changes to title to read, **S.B. 203** (Committee Substitute), a bill to

continue the Interest Rate Regulation Study Committee, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hardison, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Swain for the **Judiciary III Committee:**

S.B. 502, a bill to provide that State retirement is not marital property available for equitable distribution, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Pensions and Retirement Committee.**

S.B. 704, a bill to provide for the licensure and qualification of fire protection contractors, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rand, Basnight, Block, Goldston, Guy, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Richardson, Sands, Seymour, Soles, Tally, Thomas, and Walker:

S.B. 882, a bill to allocate funds from the Special Reserve for Oil Overcharge Funds to the North Carolina Housing Trust Fund.

Referred to **Appropriations Committee.**

By Senators Rand, Barker, Barnes, Bryan, Conder, Daniel, Ezzell, Hardison, Harrington, Harris, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Plyler, Rauch, Richardson, Seymour, Sherron, Simpson, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner:

S.B. 883, a bill to appropriate funds to make the salary schedule for school office support personnel the same as that for State office support personnel.

Referred to **Appropriations Committee.**

By Senators Basnight and Barker:

S.B. 884, a bill to appropriate funds to match federal funds for expansion of the Edenton National Fish Hatchery.

Referred to **Appropriations Committee.**

By Senators Martin of Pitt and Taft:

S.B. 885, a bill to appropriate funds for the extension of the Microelectronics Communications System to East Carolina University.

Referred to **Appropriations Committee.**

By Senators Rand and Plyler:

S.B. 886, a bill to provide funds for advance planning for certain capital improvement projects at North Carolina Memorial Hospital, without appropriations from the General Fund.

Referred to **Appropriations Committee.**

By Senators Rand and Plyler:

S.B. 887, a bill to provide changes only with respect to a wholly self-liquidating project at North Carolina Memorial Hospital.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 280, a bill to authorize Carteret County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 580, a bill to extend the corporate limits of the Town of Matthews to include certain territory within and beyond its outer boundaries.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 642, a bill to authorize local boards of health to adopt by reference rules adopted by the Environmental Management Commission.
Referred to **Human Resources Committee.**

H.B. 669, a bill to clarify the authority of the Board of Directors of Lenox Baker Children's Hospital.
Referred to **Judiciary IV Committee.**

H.B. 672, a bill to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries.
Referred to **Finance Committee.**

H.B. 766, a bill to permit municipalities bordering on the Atlantic Ocean and Roanoke, Albemarle, or Currituck Sound to regulate sewer tie-ons within their corporate limits.
Referred to **Human Resources Committee.**

H.B. 1108, a bill to modify the conditions under which a terminable bailment or lease is considered a sale under the Retail Installment Sales Act.
Referred to **Judiciary I Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 500, a bill to remove territory from the Town of Hudson and add it to the City of Lenoir, upon third reading.
The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--43.
Voting in the negative: None.
The bill is ordered sent to the House of Representatives.

S.B. 518, a bill to revise and consolidate the Charter of the City of Salisbury and to repeal prior Charter acts, as amended, upon third reading.
The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall,

Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 622, a bill pertaining to the manner of qualifying areas for annexation by the City of Durham, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 533, a bill to amend the Erwin Town Charter to permit annexation of areas lying within the corporate boundaries, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 552, a bill to extend the corporate limits of the Town of Rutherfordton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 554, a bill to revise and consolidate the Charter of the City of Kinston, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 224, a bill to authorize the Town of Beech Mountain to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 261, a bill to authorize Wilson County to levy a room occupancy and tourism development tax, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 330, a bill to authorize Gaston County to levy a room occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 338, a bill to authorize Halifax County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 520, a bill to authorize Rowan County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall,

Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 653, a bill to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond, upon second reading

On motion of Senator Plyler, consideration of the bill is postponed until Wednesday, May 27.

S.B. 667, a bill authorize Burke County to levy a room occupancy and tourism development tax, upon second reading.

Senator Simpson offers Amendment No. 1, held to be material, which is adopted (electronically recorded), constituting the first reading of the bill, as amended.

On motion of Senator Simpson, further consideration of the bill, as amended, upon second reading, is postponed until Monday, May 11.

H.B. 381, a bill to authorize Pasquotank County and the City of Elizabeth City to levy occupancy taxes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 555, a bill to authorize Currituck County to levy a room occupancy and tourism development tax, upon second reading.

Senator Basnight offers Amendment No. 1, held to be material, which is adopted (electronically recorded), constituting the first reading of the bill, as amended.

The bill, as amended, remains on the Calendar for Friday, May 8, for further consideration, upon second reading.

H.B. 626, a bill authorizing Henderson County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 629, a bill to authorize the Town of Blowing Rock to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps,

Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 661, a bill to authorize the Town of Boone to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 505, a bill to exempt the County of Stokes from certain zoning notice requirements.

The bill passes its second and third readings and is ordered enrolled.

H.B. 534, a bill to increase the membership of the Edgecombe County ABC Board and to provide for the appointment of the Chairman.

The bill passes its second and third readings and is ordered enrolled.

S.B. 433, a bill to modify the North Carolina State Education Assistance Authority, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication, upon second reading.

On motion of Senator Speed, consideration of the bill is postponed until tomorrow, May 8.

S.B. 229, a bill to amend the North Carolina Drinking Water Act.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 301, a bill to delete the requirement that vehicles approaching a flashing yellow light should yield the right of way.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 341, a bill to remove the sunset and permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 393, a bill to provide for return of clients to 24-hour facilities.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 402, a bill to authorize the Department of Transportation to negotiate contracts with utility companies.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 475, a bill to make certain changes in the involuntary commitment of substance abusers.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 476, a bill to amend Chapter 44A, Article 3, to require prompt payment by bonding companies and to extend the filing time.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 505, a bill to provide for the use of a facsimile signature and seal by the Secretary of State.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 507, a bill to repeal the statute establishing the Human Tissue Advisory Council.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 511, a bill to make technical corrections to the insurance law.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 565, a bill to amend the expiration time for purchase- transportation permits.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms.

On motion of Senator Seymour, the bill is re-referred to the **Finance Committee**.

S.B. 602, a bill to protect children placed for adoption.

The bill passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 654, a bill to modify the miscellaneous provision for the issue of permits for business on school and college campuses.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

Senator Warren requests to be recorded voting "aye."

S.B. 656, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes.

On motion of Senator Goldston, the bill is recommitted to the **Transportation Committee**.

S.B. 657, a bill to change the holiday for Easter from Easter Monday to Good Friday.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 671, a bill to regulate Sunday sales and consumption of alcoholic beverages.

On motion of Senator Seymour, Committee Amendment No. 1 is adopted.

On motion of Senator Seymour, further consideration of the bill, as amended, is postponed until Monday, May 11.

S.B. 824, a bill directing a study of the Water Quality Act of 1987 to determine State compatibility.

Senator Tally offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 175 (Committee Substitute), a bill to amend the definition of caretaker in the Juvenile Code.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 356, a bill to amend the escheat and abandoned property laws of North Carolina, to ease compliance with its provisions.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 431, a bill to permit the Department of Transportation to set the speed limit on Interstate Highways at a maximum of sixty-five miles per hour.

Senator Goldston calls the previous question, seconded by Senator Harris. The call is sustained.

The bill passes its second reading (electronically recorded).

After further debate, the bill passes its third reading (electronically recorded).

Senator Winner offers a motion that the vote by which the bill passed third reading be reconsidered, and further that that motion do lie upon the table, which motion prevails (electronically recorded).

The motion to reconsider the third reading of the bill lies upon the table.

H.B. 701, a bill to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 372 (Committee Substitute), a bill to limit the liability of a trustee, officer, or director of a nonprofit corporation, as amended, upon third reading.

Senator Ezzell offers Amendment No. 2, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

RE-REFERRAL

S.B. 785, a bill to provide that a consent judgment for equitable distribution of property may be entered prior to a decree of absolute divorce granted on the ground of one year separation.

Without objection, on motion of Senator Hipps, the rules are suspended, and the bill is taken from the **Judiciary I Committee** and re-referred to the **Constitution Committee**.

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer.

Without objection, on motion of Senator Rauch, the rules are suspended, and the bill is taken from the **Pensions and Retirement Committee** and re-referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 71
(Senate Committee Substitute)

House of Representatives
May 7, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **H.B. 71** A BILL TO ESTABLISH THE LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS AND A REVIEW PROCESS FOR THE CREATION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS, and requests conferees. The Speaker has appointed Representatives Hightower, Fletcher, Beall, S. Hunt, and Payne on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

May 7, 1987

Senator Guy offers a motion that the President appoint conferees, which motion prevails.

The President appoints Senators Guy, Hardison, Parnell, Ezzell, and Smith as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 97 (Committee Substitute), an act to ensure that the public has notice of all restaurants' health ratings. (Ch. 145)

S.B. 193 (House Committee Substitute), an act to expand the traffic control authority of firemen and rescue squad members in emergency situations. (Ch. 146)

S.B. 215, an act to raise the processing fee for bad checks. (Ch. 147)

H.B. 241 (Committee Substitute), a bill to amend Chapter 102 of the General Statutes by correction of the description of the official survey base for the State of North Carolina. (Ch. 148)

H.B. 441 (Committee Substitute), an act to allow certain named municipalities to dispose of agricultural commodities in any manner regardless of its value. (Ch. 149)

H.B. 480, an act to prohibit the erection of outdoor advertising on a portion of U.S. Highway 74 and U.S. Highway 76 in Columbus County. (Ch. 150)

H.B. 487, an act to authorize the City Manager of Charlotte to reject bids when appropriate without action by the Charlotte City Council. (Ch. 151)

H.B. 523, an act to provide staggered terms for the Board of Commissioners of Lincoln County. (Ch. 152)

H.B. 524, an act to repeal the High Point Career Service Law. (Ch. 153)

APPOINTMENT OF COMMITTEES

The President of the Senate announces the following standing committee appointment:

APPROPRIATIONS COMMITTEE: Senator Speed is appointed.

Pursuant to G.S. 135-38, the President of the Senate announces the following appointment:

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE: Senator Parnell is appointed as a member-at-large.

On motion of Senator Harrington, seconded by Senator Richardson, the Senate adjourns to meet tomorrow at 10:00 A.M.

SIXTY-FOURTH DAY

SENATE CHAMBER,
Friday, May 8, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, Thou art our refuge and our strength, and at the end of a busy and draining week, we confess our need for rest and renewal. Give to each of us a safe trip home and a time of refreshment with our families. And then cause us to take time for worship in Your house.

"The Prophet Isaiah said, 'they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk and not faint.' Give us this kind of renewal this weekend as we wait upon Thee. And then bring us back to this Chamber on Monday with renewed determination to serve You with integrity and zeal in this arena. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Barnes, Daniel, Kaplan, Senator McDuffie, who is attending a Seniors' event in Mecklenburg County, Senator Rauch due to business, Senator Sands due to the death of his brother-in-law, and Senators Simpson, Thomas and Ward.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

S.B. 726, a bill to establish a commission to study the local budget process and how it relates to State fiscal actions, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 737, a bill to establish a commission to study the appraisal and reappraisal of real property for ad valorem taxation, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 745, a bill to create the North Carolina Study Commission on Surrogate Parenthood, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.J.R. 855, a joint resolution authorizing the Legislative Research Commission to study the interbasin transfer of water and instream flows, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee.**

S.J.R. 856, a joint resolution authorizing the Legislative Research Commission to study the issue of the care provided by rest homes, intermediate care facilities, and skilled nursing homes, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee.**

S.J.R. 874, a joint resolution to authorize the Legislative Research Commission to study historic preservation, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee.**

S.J.R. 880, a joint resolution authorizing the Legislative Research Commission to study the issue of providing a statewide network of volunteers to serve people in need of emergency care, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee.**

S.B. 693, a bill to honor the service of J. Robert Gordon to the North Carolina Wildlife Resources Commission and proclaiming the designation of the J. Robert Garden Sandhills Field Trial Area in recognition of his service, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 693** (Committee Substitute), a bill proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harrington, the Committee Substitute bill is placed on the Calendar for Tuesday, May 12, for further consideration.

By Senator Harris for the **Human Resources Committee:**

S.B. 315, a bill to clarify the law regarding payment of costs in Department of Human Resources institutions, with a favorable report.

S.B. 316, a bill to amend the licensure law for mental health, mental retardation, and substance abuse services, with a favorable report, as amended.

By Senator Winner for the **Environment Committee:**

H.B. 134 (Committee Substitute), a bill providing for protecting the public from inactive hazardous substance or waste disposal sites, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H.B. 134** (Senate Committee Substitute), a bill to provide for protection of the public from inactive hazardous substance or waste disposal sites and to establish the Carolina Clean Drinking Water Fund, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, May 12, for further consideration.

By Senator Hipps, Vice-Chairman for Senator Barnes, Chairman, for the **Judiciary I Committee:**

H.B. 531, a bill to include in the list of those who shall be granted letters of administration, in order of priority, the next of kin of the decedent, with a favorable report.

By Senator Warren for the **Education Committee:**

S.B. 557, a bill to broaden the coverage offered by the School Property Insurance Program, with a favorable report.

S.B. 355, a bill concerning intensive remedial summer school programs and related transportation in the local school administrative units, with a favorable report.

S.B. 573, a bill to require that school bus drivers be at least seventeen years old, with a favorable report.

S.B. 572, a bill to amend the law pertaining to the public school calendar, with a favorable report, as amended.

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 461, a bill to provide immunity from punitive damages for political subdivisions, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 461** (Committee Substitute), a bill to provide immunity from punitive damages for cities and counties, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, May 12, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hunt of Moore, Barnes, Ezzell, Guy, Harrington, Harris, Hipps, McDuffie, Plyler, Sands, Seymour, Speed, Staton, Tally, and Walker:

S.B. 888, a bill to create the North Carolina Osteoporosis Study Commission and to appropriate funds for the Commission's study.

Referred to **Appropriations Committee.**

By Senator Guy:

S.B. 889, a bill to appropriate funds for capital improvements at Coastal Carolina Community College in Onslow County.

Referred to **Appropriations Committee.**

By Senators Hardison, Goldston, Guy, Harrington, Harris, Rauch, Royall, Smith, and Thomas:

S.B. 890, a bill to appropriate funds to a special fund of the Department of Public Education for expansion of the public schools' basic skills program in free enterprise education.

Referred to **Appropriations Committee.**

By Senator Seymour:

S.B. 891, a bill to appropriate funds for a mini bus for the Emmanuel Senior Enrichment Center, Inc.

Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 892, a bill to appropriate funds for the Nash County Preschool Day Care Center for migrant children.

Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 893, a bill to appropriate funds for capital improvements at Nash Technical College.
Referred to **Appropriations Committee.**

By Senators Ezzell, Martin of Pitt, and Harrington:

S.B. 894, a bill to appropriate funds for staffing needs at the Eastern North Carolina School for the Deaf.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 895, a bill to appropriate funds to Warren County for equipment needed to suppress forest fires and for operating expenses of a tractor plow unit.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 83 (Committee Substitute), a bill to increase the civil penalty for failure to cancel instruments of indebtedness and deeds of trust and make other technical changes to G.S. 45-36.3.
Referred to **Judiciary II Committee.**

H.B. 179 (Committee Substitute), a bill to require political advertising to be labeled accurately.
Referred to **Election Laws Committee.**

H.B. 218, a bill to allow the disposition of certain properties held in the Executive Mansion.
Referred to **State Government Committee.**

H.B. 231 (Committee Substitute), a bill to mandate that local boards of education adopt policies regulating the use of corporal punishment in the public schools.
Referred to **Education Committee.**

H.B. 398, a bill to amend the bedding law.
Referred to **Human Resources Committee.**

H.B. 454, a bill concerning the powers of housing authorities.
Referred to **Judiciary IV Committee.**

H.B. 538, a bill to amend the educational requirements for licensure of practicing psychologists and to allow licensure of psychologists trained in foreign educational institutions.
Referred to **Human Resources Committee.**

H.J.R. 596, a joint resolution honoring the official dedication of the Blue Ridge Parkway and honoring the memory of Franklin D. Roosevelt, under whose administration the Parkway began.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 630, a bill to amend Chapter 745 of the 1965 Session Laws as it pertains to the redistribution of ABC profits for the Town of Blowing Rock.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 645, a bill to define a "subdivision" for the purpose of subdivision regulations in Robeson County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 692, a bill amending the city charter of the City of Durham with respect to special assessments for certain prescribed improvements to permit the publication of a notice concerning the making of such improvements in lieu of the publication of a resolution.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 697, a bill to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 698, a bill to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations.
Referred to **Commerce Committee.**

H.B. 703, a bill to repeal the prohibition against bear hunting in Gates County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 720, a bill to increase the fee for examination by the Board of Pharmacy.
Referred to **Finance Committee.**

H.B. 729, a bill to authorize Duplin County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 842, a bill to authorize the City of Charlotte to require fire sprinkler systems in certain structures.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 845, a bill to authorize the Mecklenburg County Manager to negotiate an increased cost for contract extensions.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 850, a bill to provide that vacancies on the Kernersville Board of Aldermen shall be filled by the next highest vote-getter at the previous election.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 889, a bill to provide that Duplin County may be an alternative site for State prison facilities.
Referred to **Judiciary III Committee.**

H.B. 915, a bill to allow Halifax County to convey at private sale to the Halifax County Humane Society part of the County farm property.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 916, a bill to allow Halifax County to convey at private sale to the Roanoke Canal Commission, Inc. certain property donated to it.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 952, a bill to provide that sums received for services performed as an elected official may not be considered in determining that individual's employment status under employment security law.
Referred to **Manufacturing and Labor Committee.**

H.B. 1100, a bill to allow small businesses and others who repair personal property, other than motor vehicles, to dispose of certain unclaimed property.
Referred to **Judiciary IV Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

The Chair declares, the voting equipment inoperative for a portion of today's Session.

S.B. 224, a bill to authorize the Town of Beech Mountain to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 261, a bill to authorize Wilson County to levy a room occupancy and tourism development tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives.

S.B. 330, a bill to authorize Gaston County to levy a room occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 338, a bill to authorize Halifax County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 520, a bill to authorize Rowan County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin,

Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 381, a bill to authorize Pasquotank County and the City of Elizabeth City to levy occupancy taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 626, a bill authorizing Henderson County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 629, a bill to authorize the Town of Blowing Rock to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 661, a bill to authorize the Town of Boone to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 555, a bill to authorize Currituck County to levy a room occupancy and tourism development tax, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Warren, and Winner--36.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday for further consideration upon third reading.

S.B. 525, a bill to provide a supplemental retirement fund for firemen in the Town of Selma and to modify the application of G.S. 118-5, G.S. 118-6, and G.S. 118-7 to the Town of Selma.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 89, a bill to amend the law relating to the monthly benefits of the Greensboro Firemen's Supplemental Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H.B. 270, a bill to make changes in the North Wilkesboro Firemen's Supplementary Fund.

The bill passes its second and third readings and is ordered enrolled.

H.B. 525, a bill to increase the Henderson Firemen's Supplemental Retirement System benefits.

The bill passes its second and third readings and is ordered enrolled.

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, upon third reading.

On motion of Senator Staton, further consideration of the bill is postponed until Tuesday, May 12.

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication, upon second reading.

On motion of Senator Speed, the bill is recommitted to the **Agriculture Committee**.

S.B. 230 (Committee Substitute No. 2), a bill to make clarifying changes in the permitting requirements for meat markets and food and lodging facilities.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until Tuesday, May 12.

S.B. 344 (Committee Substitute), a bill to authorize the discharge of clients who escape or breach the condition of release.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 403 (Committee Substitute), a bill to provide for the cancellation of a money judgment by the Clerk of Court upon full payment by the debtor as recommended by the General Statutes Commission and the Conference of Clerks of Superior Court.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 459 (Committee Substitute), a bill to allow North Carolina commercial fishermen to form Hull Insurance, and Protection and Indemnity Clubs.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 471 (Committee Substitute), a bill to limit the liability of landowners to persons using their land in connection with the Trails System.

On motion of Senator Warren, consideration of the Committee Substitute bill is postponed until Tuesday, May 12.

S.B. 480, a bill to permit real estate license surrender, to simplify recovery fund claims, and to make certain violations of the Time Share Act criminal offenses.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 539, a bill to provide for confidentiality of medical database information.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 558 (Committee Substitute), a bill to permit L.P. gas dealer to use other means of financial responsibility besides insurance.

Senator Speed offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 648, a bill to modify the law regarding costs for appeal for trial *de novo*.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 661, a bill to permit the garnishment of wages for certain debts owed to public hospitals.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The Chair declares the bill, as amended, requires a call of the roll.

The bill, as amended, remains before the Senate upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 29, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Seymour, Sherron, Speed, Staton, Swain, Taft, Walker, and Warren--29.

Voting in the negative: Senators Harris, Hunt of Moore, and Smith--3.

The bill, as amended, remains on the Calendar for Monday for further consideration upon third reading.

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits.

Upon the point of order raised, without objection, the Chair orders the bill taken from the Calendar for today and re-referred to the **Finance Committee**, pursuant to Senate Rule 42.

S.B. 748, a bill to make appeals from the Division of Motor Vehicles license actions lie in District Court.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 191, a bill to make clarifying technical changes in the retirement and pension benefits for State and certain local government employees.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits.

The Chair reverses his previous ruling and without objection, the bill is withdrawn from the **Finance Committee** and returned to the Calendar for further consideration today.

Senator Swain offers Amendment No. 1.

Senator Martin of Guilford offers a motion that the bill with Amendment No. 1 pending be recommitted to the **Judiciary II Committee**, which motion he subsequently withdraws.

Amendment No. 1 is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Martin of Guilford to its third reading, the bill, as amended, remains on the Calendar for Monday for further consideration.

H.B. 321, a bill to define the phrase "in service" as it pertains to the survivor's alternate benefit in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.

The bill passes its second reading (electronically recorded).

On motion of Senator Hunt of Durham, further consideration of the bill upon third reading is postponed until Tuesday, May 12.

H.B. 389, a bill to amend the Fireman's Relief Fund to provide additional benefits.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 602, a bill to protect children placed for adoption, upon third reading.

Senator Martin of Guilford offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

RE-REFERRALS

S.J.R. 522, a joint resolution honoring the centennial of the Town of Southern Pines and the memory of its founders.

On motion of Senator Hunt of Moore the joint resolution is taken from the Calendar for Monday, May 11, and is placed on the Calendar for Monday, May 25.

S.B. 767, a bill to modify the required service for a National Guard pension.

On motion of Senator Cobb the rules are suspended without objection, and the bill is taken from the **Committee on Veterans Affairs and Senior Citizens** and re-referred to the **Committee on Pensions and Retirement**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 160 (Committee Substitute), an act to permit 16 and 17 year olds to do limited driving on the job. (Ch. 154)

S.B. 278, an act to eliminate the requirement that the Town of Granite Falls mail zoning notices. (Ch. 155)

S.B. 280, an act to revise the license fees for hunting, trapping, and fishing. (Ch. 156)

S.B. 313, an act to allow the County of Rowan to convey its interest in the Old Post Office property in Salisbury at private sale. (Ch. 157)

S.B. 332, an act to modify the rules for disposition of unclaimed clothing by laundries and dry cleaning establishments. (Ch. 158)

S.B. 374, an act to authorize the Council of the City of Albemarle to sell and convey to Challenger Electrical Equipment Corporation the interest of the City of

Albemarle in a 12.69 acre parcel of land, with improvements thereon, located in Harris Township, Stanly County, North Carolina. (Ch. 159)

S.B. 390, an act authorizing the Wake Forest Board of Commissioners to sell property at private sale. (Ch. 160)

S.B. 406, an act authorizing the appointment of a Special Board of Equalization and Review for Cumberland County. (Ch. 161)

H.B. 175 (Committee Substitute), an act to amend the definition of caretaker in the Juvenile Code. (Ch. 162)

H.B. 356, an act to amend the escheat and abandoned property laws of North Carolina, to ease compliance with its provisions. (Ch. 163)

H.B. 431, an act to permit the Department of Transportation to set the speed limit on Interstate Highways at a maximum of sixty-five miles per hour. (Ch. 164)

H.B. 505, an act to exempt the County of Stokes from certain zoning notice requirements. (Ch. 165)

H.B. 533, an act to amend the Erwin Town Charter to permit annexation of areas lying within the corporate boundaries. (Ch. 166)

H.B. 534, an act to increase the membership of the Edgecombe County ABC Board and to provide for the appointment of the Chairman. (Ch. 167)

H.B. 552, an act to extend the corporate limits of the Town of Rutherfordton. (Ch. 168)

H.B. 554, an act to revise and consolidate the Charter of the City of Kinston. (Ch. 169)

On motion of Senator Harrington, seconded by Senator Block, the Senate adjourns to meet Monday at 7:30 P.M.

SIXTY-FIFTH DAY

SENATE CHAMBER,
Monday, May 11, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Jack Benfield, Minister of Apex United Methodist Church, Apex, as follows:

"Our Heavenly Father, many years ago Your servant Micah expressed his thought concerning what You require of us; namely to do justly, to love mercy, and to walk humbly with our Lord. We pray for those qualities to be a part, not only of this evening's legislative action, but of all our time together as a lawmaking body and not only within the bounds of these man-made chambers of stone and steel and glass, but within the God-made chambers of our hearts. May our activities reflect Your will, and to that end may You grant unto us indeed the wisdom to do justly, the compassion to love mercy, and the humility to know that upon You we depend. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his

motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 661, an act to authorize the Town of Boone to levy a room occupancy and tourism development tax. (Ch. 170)

H.B. 629, an act to authorize the Town of Blowing Rock to levy a room occupancy and tourism development tax. (Ch. 171)

H.B. 626, an act authorizing Henderson County to levy a room occupancy and tourism development tax. (Ch. 172)

H.B. 525, an act to increase the Henderson Firemen's Supplemental Retirement System benefits. (Ch. 173)

H.B. 389, an act to amend the Fireman's Relief Fund to provide additional benefits. (Ch. 174)

H.B. 381, an act to authorize Pasquotank County and the City of Elizabeth City to levy occupancy taxes. (Ch. 175)

H.B. 270, an act to make changes in the North Wilkesboro Firemen's Supplementary Fund. (Ch. 176)

H.B. 191, an act to make clarifying technical changes in the

retirement and pension benefits for State and certain local government employees. (Ch. 177)

H.B. 89, an act to amend the law relating to the monthly benefits of the Greensboro Firemen's Supplemental Retirement System. (Ch. 178)

S.B. 387, an act concerning voluntary satellite annexations by the City of Hickory. (Ch. 179)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Daniel:

S.B. 896, a bill to appropriate funds to complete the new wing of the Technical College of Alamance Haw River Campus.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 897, a bill to provide educational incentives to magistrates while in service and to equalize the prior service recognition for magistrates.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 898, a bill to appropriate funds for capital improvements at Randolph Technical College.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 47 (Committee Substitute), a bill to provide for county satellite jail/work release units for misdemeanants.
Referred to **Judiciary III Committee.**

H.B. 291 (Committee Substitute), a bill to provide that certain preliminary hearings on license suspensions are not mandatory.
Referred to **Judiciary IV Committee.**

H.B. 407 (Committee Substitute), a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program.
Referred to **Judiciary II Committee.**

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.
Referred to **Election Laws Committee.**

H.B. 522, a bill to prohibit introducing into evidence in a proceeding against a third party the amount of compensation and other benefits paid pursuant to a workers' compensation claim.
Referred to **Judiciary IV Committee.**

H.B. 567, a bill to authorize the Mecklenburg County Board of Commissioners to waive the requirement for bid deposits on bids for equipment and material.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 588, a bill to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes.
Referred to **Transportation Committee.**

H.B. 611, a bill to repeal the Charter of the inactive Town of Coakley.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 682, a bill establishing a portion of the boundary line between Craven County and Pitt County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 715, a bill to make technical changes to the rules relating to cancellation and restoration of corporate charters.
Referred to **Finance Committee.**

H.B. 723 (Committee Substitute), a bill to clarify exemption of Department of Correction officers from tuition and fees for job-related training courses taught by the Department of Community Colleges.
Referred to **Higher Education Committee.**

H.B. 738, a bill to authorize Orange County and municipalities in that County to engage in joint planning programs and to enter into annexation agreements.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 760, a bill to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 770, a bill to modify the Hickory-Conover Occupancy Tax Law.
Referred to **Finance Committee.**

H.B. 771, a bill to provide immunity to members of the North Carolina Agricultural Finance Authority.
Referred to **Agriculture Committee.**

H.B. 794, a bill to upgrade the chiropractic profession by requiring a Bachelor of Science Degree for licensure to practice chiropractic in North Carolina.
Referred to **Human Resources Committee.**

H.B. 818, a bill to extend the corporate limits of the Town of Hillsborough.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 820 (Committee Substitute), a bill to provide that legal title to an artifact held by the Department of Cultural Resources Division of Archives and History passes to the Division of Archives and History if the owner of the artifact cannot be located or if ownership of the artifact is unknown.
Referred to **Judiciary II Committee.**

H.B. 891, a bill to increase the fine for unauthorized parking in a handicapped parking space in Charlotte.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 902, a bill to provide for the election of the McDowell County Board of Education for four-year terms, and to change the election from November to May.
Referred to **Education Committee.**

H.B. 914, a bill enabling the Towns of Boone and Blowing Rock to pass ordinances to require that certain rental residential dwelling units have automatic smoke detectors.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 918, a bill to authorize Guilford County and the Cities of Greensboro and High Point to acquire real property by condemnation in order to preserve open space and open area, for the protection and conservation of watershed areas and municipal drinking water supplies, and to acquire the fee or any lesser interest.
Referred to **Finance Committee.**

H.B. 943, a bill to revise the manner of election of the Board of Commissioners of Pasquotank County.
Referred to **Election Laws Committee.**

H.B. 985, a bill to remove the requirement that an absentee ballot be notarized and substitute a requirement that it be witnessed by at least two persons.
Referred to **Election Laws Committee.**

H.B. 1159, a bill to establish an aging policy plan for North Carolina.
Referred to **Veterans Affairs and Senior Citizens Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 555, a bill to authorize Currituck County to levy a room occupancy and tourism development tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt

of Moore, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 667, a bill authorize Burke County to levy a room occupancy and tourism development tax, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration, upon third reading.

S.B. 661, a bill to permit the garnishment of wages for certain debts owed to public hospitals, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: Senator Smith--1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 315, a bill to clarify the law regarding payment of costs in Department of Human Resources Institutions.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 316, a bill to amend the licensure law for mental health, mental retardation, and substance abuse services.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 355, a bill concerning intensive remedial summer school programs and related transportation in the local school administrative units.

On motion of Senator Ward, the bill is re-referred to the **Appropriations Committee**.

S.B. 545 (Committee Substitute), a bill to permit ABC permits to be issued in certain unincorporated areas of the State.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Parnell to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

S.B. 557, a bill to broaden the coverage offered by the School Property Insurance Program.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 572, a bill to amend the law pertaining to the public school calendar.

On motion of Senator Warren, the bill is recommitted to the **Education Committee**.

S.B. 573, a bill to require that school bus drivers be at least seventeen years old.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 668 (Committee Substitute), a bill regarding flying while impaired.

Senator Barker offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 671, a bill to regulate Sunday sales and consumption of alcoholic beverages, as amended.

Senator Shaw offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 531, a bill to include in the list of those who shall be granted letters of administration, in order of priority, the next of kin of the decedent.

On motion of Senator Barnes, consideration of the bill is postponed until tomorrow, May 12.

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following resolution, which is read the first time and disposed of as follows:

H.J.R. 719, a joint resolution honoring the life and memory of Forrest W. Hunt, former Superintendent of Schools in Rutherford County.

Without objection, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

S.B. 408, a bill to annex certain property into the City of Charlotte and to ratify certain actions of the City of Charlotte.

Without objection, on motion of Senator McDuffie, the rules are suspended and the bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, May 12.

The President recognizes the following pages serving in the Senate this week: Amy Elizabeth Baker, Snow Hill; Krystal Michelle Barnes, Raleigh; Kimberly Brodsky,

Gastonia; Ramona Lynette Childs, Jacksonville; Terrence Lavelle Coston, Jacksonville; Tiffany Dove, New Bern; Nicole Fox, Gastonia; Christie Lee, Fayetteville; Nicole Michaele Malachi, Raleigh; Charles Christian McDaniel, New Bern; Kendra Aleece Ollison, Raleigh; William G. Pittman III, Windsor; Charles Ruffin Poole, Atlantic Beach; Rob Richardson, Raleigh; Jeanne Leigh Stallings, Raleigh; Lory Beth Thompson, Asheboro; and Brandon Wells, Raleigh.

On motion of Senator Harrington, seconded by Senator Block, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, May 12, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of History, the news media has focused recently on the sins and shortcomings of preachers, political candidates, government employees and private citizens engaged in arms deals. We confess that we, who are pastors, politicians, and parishioners, have smuggly made jokes about the misfortune of our fellow citizens.

"O God of Judgment, You have said, 'Judgment is mine,' and we ask Your forgiveness for those times when we have harshly judged our brothers and our sisters or callously joked about their fall from fame and fortune.

"O God of Mercy, help us to take the log out of our own eye so that we may see clearly the speck that is in our brother's eye, and then grant that our judgment, like Yours, may always be tempered with mercy.

"O God of Righteousness, we recall Jesus saying, 'Unless your righteousness exceeds that of the scribes and Pharisees, you shall in no way enter the Kingdom of God.' We pray that we, who are representatives of the media, the business community, the church, the synagogue, and the government may lead godly, sober, righteous, caring lives that are well pleasing in Your sight. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CONFERENCE REPORT

H.B. 71 (Senate Committee Substitute)

Senator Guy, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 71** (Senate Committee Substitute), a bill to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute to House Bill 71

(Fourth Edition Engrossed 4/8/87), a bill to be entitled an ACT TO ESTABLISH THE LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS AND A REVIEW PROCESS FOR THE CREATION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS, wish to report as follows:

That the bill be amended on page 4, line 8 by inserting the word "not" between the words "shall" and "bar".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of May, 1987.

S/ A.D. Guy	S/ Foyle Hightower
S/ James Ezzell	S/ Charles Beall
S/ Harold Hardison	S/ Ray Fletcher
S/ David Parnell	S/ Sam Hunt
S/ Paul Smith	S/ Harry Payne
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Guy, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

S.B. 734, a bill to amend the Business Corporation Act to regulate the acquisition of control of corporations in which North Carolina has a substantial interest by reason of incorporation or otherwise, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for tomorrow, May 13, for further consideration.

By Senator Warren for the **Education Committee:**

S.B. 205, a bill to establish State and local funding responsibilities for the uniform system of free public schools and to establish a special fund to meet critical school facility needs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill, which changes the title to read **S.B. 205** (Committee Substitute), a bill to establish State and local funding responsibilities for the uniform system of free public schools, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Warren, the Committee Substitute bill is placed on the Calendar for Thursday, May 14, for further consideration.

By Senator Staton for the **Economic Growth Committee:**

S.B. 496, a bill to amend the enabling legislation of the North Carolina State Ports Authority to make certain technical and conforming amendments, with a favorable report, as amended.

By Senator Richardson for the Veterans Affairs and Senior Citizens Committee:

S.B. 735, a bill to establish a one-year pilot program that will provide an outreach activities facilitator to serve the residents of family care homes and rest homes in Orange County, with a favorable report.

On motion of Senator Richardson, the bill is re-referred to the Appropriations Committee.

By Senator Hunt of Moore for the Local Government and Regional Affairs II Committee:

S.B. 473, a bill to authorize Union County to adopt a unified land use ordinance, allow the Board of Adjustment to act by majority vote, authorize the Planning Board to issue permits, and require challenges to zoning amendments to be brought within sixty days, with a favorable report.

H.B. 282, a bill to revise and consolidate the Charter of the Town of Lake Lure, with a favorable report.

H.B. 568, a bill to authorize the County Manager to reject bids when appropriate without action by the Mecklenburg County Board of Commissioners, with a favorable report.

H.B. 708, a bill to change the name of the "Industrial Development Commission" for Stanly County to the "Economic Development Commission" for Stanly County, with a favorable report.

H.B. 741, a bill to require the County Commissioners of Clay County to provide adequate funds, personnel and equipment to the Sheriff of Clay County for law enforcement in the County, with a favorable report.

H.B. 765, a bill to permit regulation of maritime forests by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores, with a favorable report.

H.B. 769, a bill enabling the City of Elizabeth City and the County of Pasquotank to establish an Airport Authority for the construction, operation, use and maintenance of airport facilities in the County of Pasquotank, with a favorable report.

S.B. 460, a bill concerning staggered terms for the Town of Laurel Park, with a favorable report, as amended.

S.B. 616, a bill to permit the City of Asheboro to dispose of certain real property by private negotiation and sale, with a favorable report, as amended.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution is properly enrolled, and duly ratified and sent to the office of the Secretary of State:

H.J.R. 719, a joint resolution honoring the life and memory of Forrest W. Hunt, former Superintendent of Schools in Rutherford County. (Res. 21)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ezzell:

S.B. 899, a bill to appropriate funds for the construction of facilities for the Edgecombe-Nash County Mental Health, Mental Retardation, and Substance Abuse Services Center.

Referred to Appropriations Committee.

By Senators Rand and Plyler:

S.B. 900, a bill to appropriate funds for the Lifeguardianship Council of the Association for Retarded Citizens of North Carolina.
Referred to **Appropriations Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 901, a bill to appropriate funds to the Radio Reading Services, Incorporated.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 271 (Committee Substitute No. 2), a bill to permit title insurance companies to insure the proper performance of real estate closing services.
Referred to **Judiciary II Committee.**

H.B. 655, a bill to extend professional liability insurance coverage to community colleges and technical colleges.
Referred to **Insurance Committee.**

H.B. 671, a bill to authorize company police officers to charge for infractions.
Referred to **Judiciary III Committee.**

H.B. 709, a bill to provide consistency and clarity to the guidelines established for the assessment of civil penalties under the Mining Act of 1971, the North Carolina Well Construction Act, and the Sedimentation Pollution Control Act of 1973.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 727 (Committee Substitute), a bill to amend the Social Services Appeals Law.
Referred to **Judiciary I Committee.**

H.B. 788, a bill to permit the taking of foxes in Moore County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 792, a bill to allow Robeson County to create fire districts.
Referred to **Finance Committee.**

H.B. 795 (Committee Substitute), a bill to make technical changes to Chapter 126.
Referred to **State Personnel Committee.**

H.B. 848 (Committee Substitute), a bill to exempt the Town of Knightdale from size restrictions on satellite annexations under certain conditions.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 884, a bill to allow the Town of Ahoskie to levy special assessments for street or sidewalk improvements.
Referred to **Finance Committee.**

H.B. 887, a bill to allow law enforcement officers to cross the median within local jurisdictions.
Referred to **Transportation Committee.**

H.B. 895, a bill to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes.
Referred to **Finance Committee.**

H.B. 957 (Committee Substitute), a bill to clarify that certain employment consultants, personnel departments, and efficiency consultants are not private detective services.

Referred to **Judiciary IV Committee.**

H.B. 1008, a bill to provide a separate ballot for multi-seat races, except where mechanical voting machines are used.

Referred to **Election Laws Committee.**

H.J.R. 1178, a joint resolution expressing the gratitude of the people of North Carolina to the citizens of thirty-one states and the Dominion of Canada who provided hay, grain and other feed to assist the farmers of North Carolina who had been victims of the drought of 1986.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 667, a bill authorize Burke County to levy a room occupancy and tourism development tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 408, a bill to annex certain property into the City of Charlotte and to ratify certain actions of the City of Charlotte, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell,

Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--50.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until Wednesday, May 13.

S.B. 461 (Committee Substitute), a bill to provide immunity from punitive damages for cities and counties.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 471 (Committee Substitute), a bill to limit the liability of landowners to persons using their land in connection with the Trails System.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Barker objects to the third reading of the Committee Substitute bill which objection he subsequently withdraws and the Committee Substitute bill is returned to the Calendar for further condsideration upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 693 (Committee Substitute), a bill proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Represenatives.

H.B. 134 (Senate Committee Substitute), a bill to provide for protection of the public from inactive hazardous substance or waste disposal sites and to establish the Carolina Clean Drinking Water Fund.

Senator Taft offers Amendment No. 1.

Senator Winner, seconded by Senator Hardison, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 531, a bill to include in the list of those who shall be granted letters of administration, in order of priority, the next of kin of the decedent.

On motion of Senator Barnes, consideration of the bill is postponed until Thursday, May 14.

S.B. 316, a bill to amend the licensure law for mental health, mental retardation, and substance abuse services, as amended, upon third reading.

The bill, as amended, passes third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 545 (Committee Substitute), a bill to permit ABC permits to be issued in certain unincorporated areas of the State, upon third reading.

Senator Parnell offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 668 (Committee Substitute), a bill regarding flying while impaired, as amended, upon third reading.

Senator Block offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H.B. 321, a bill to define the phrase "in service" as it pertains to the survivor's alternate benefit in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Judiciary III Committee:**

S.B. 740, a bill to provide that when a county appeals a judgment, staying the enforcement of the judgment, the county shall not be required to post a bond, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill, which changes the title to read **S.B. 740** (Committee Substitute), a bill to provide that when a city or county appeals a judgment, staying the enforcement of the judgment, the city or the county shall not be required to post a bond, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Swain, the Committee Substitute bill is placed on the Calendar for Thursday, May 14, for further consideration.

S.B. 795, a bill to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting offenders, with a favorable report.

S.B. 457, a bill to amend the Private Protective Services Act, with a favorable report, as amended.

S.B. 739, a bill to toll the statute of limitations in a civil action during a period of incompetency, with a favorable report, as amended.

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 407 (Committee Substitute), a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program, with a favorable report.

S.B. 243, a bill to create criminal penalties for certain intentional, willful or wanton actions of health care providers and to limit punitive damages in civil actions, with a favorable report, as amended.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

S.B. 399, a bill to allow the County of Durham to adopt and comply with minimum minority and/or women's business enterprise requirements, with a favorable report.

By Senator Martin of Guilford for the **Higher Education Committee:**

S.B. 724, a bill designating as trust funds for specified purposes moneys received from the operation of institutional forest lands and farm forest lands of the University of North Carolina, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 257, a bill to modify the procedures for reports by the University of North Carolina on vending facility operations, so as to delete a requirement for quarterly reports, and limit the applicability to institutional trust funds, with a favorable report, as amended.

S.B. 670, a bill waiving the residency requirement for in-State tuition at Community Colleges for refugees and immigrants, with a favorable report, as amended.

On motion of Senator Martin of Guilford, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S.B. 736, a bill to provide for four-year terms for members of the Board of Governors of the University of North Carolina, and beginning in 1989 providing that no member may be re-elected to that Board after 12 consecutive years of service, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is placed on the Calendar for Thursday, May 14, for further consideration.

RECONSIDERATION

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, as amended.

Senator Staton offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Staton offers a motion that the bill, as amended, be placed on the Calendar for Monday, May 18, for further consideration, upon third reading, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 71
(Senate Committee Substitute)

House of Representatives
May 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 71** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS AND A REVIEW PROCESS FOR THE CREATION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

RECONSIDERATION

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, as amended.

Senator Swain offers a motion that the vote by which the motion to place the bill, as amended, on the Calendar for Monday, May 18, prevailed, be reconsidered, which motion prevails, without objection.

Senator Swain offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails.

On motion of Senator Staton, the bill, with Amendment No. 1 pending is placed on the Calendar for Wednesday, May 20, upon third reading for further consideration.

On motion of Senator Harrington, seconded by Senator Hipps, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, May 13, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Keith Glover, Associate Minister of White Plains United Methodist Church, Cary, as follows:

"Eternal God, our Heavenly Father, for the beauty of this day, we give You thanks and pray for wisdom and courage to use wisely all its opportunities and blessings.

"For the freedoms we enjoy, we give You thanks. Grant us strength to exercise those freedoms for the common good rather than for selfish ends.

"For worthwhile tasks to do, we are grateful and seek Your guidance that we might be enabled to do them with joy and enthusiasm.

"For the vast array of resources in this State, natural resources and human resources, given to us out of Your goodness, we give You thanks and pray that we might be good stewards of that portion which comes under our influence.

"For the leadership, talent, and dedication represented in the membership of this Body, we give You thanks and pray that You will strengthen their resolve, bless their endeavors, guide them in their decision-making, and magnify the fruit of their labors so that all that is done in this place will be according to Your will in furthering the cause of truth, peace, and justice. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 973 (Committee Substitute), a bill to amend the Business Corporation Act to regulate the acquisition of control of corporations in which North Carolina has a substantial interest by reason of incorporation or otherwise.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Soles offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered returned to the House of Representatives for concurrence in Senate Amendment No. 1, without objection, by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S.B. 228, a bill to establish a Statewide AIDS Prevention and Education Program, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee**.

S.B. 391, a bill to encourage welfare recipients to work and to foster family integrity, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee**.

S.B. 585, a bill to make certain changes in mental health, mental retardation, and substance confidentiality laws, with a favorable report.

S.B. 592, a bill to authorize area authorities to contract with health maintenance organizations, with a favorable report.

S.B. 719, a bill to allow the waiver of certain surety bonds required for charitable solicitation, with a favorable report.

S.B. 586, a bill to amend G.S. 108A-79(k) to eliminate county appeals from final decisions of the Department of Human Resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Friday, May 15, for further consideration.

By Senator Parnell for the **Insurance Committee**:

S.B. 464, a bill to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the local government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Friday, May 15, for further consideration.

S.B. 468, a bill to extend the exemption from the insurance law of manufacturer and seller warranties to all goods, with a favorable report, as amended.

On motion of Senator Parnell, the bill is placed on the Calendar for Friday, May 15.

S.B. 625, a bill to exempt the Conoconnara Burial Society from regulation under Chapter 58 of the General Statutes, with a favorable report, as amended.

By Senator Seymour for the **Alcoholic Beverage Control Committee**:

S.B. 707, a bill to make purchase or possession of alcoholic beverages by eighteen year old an infraction, with a favorable report.

S.B. 566, a bill to increase the amount of liquor a person may purchase and possess, with a favorable report.

S.B. 581, a bill to authorize a single purchase- transportation permit for certain large purchases of spirituous liquor, with a favorable report.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

S.B. 705, a bill requiring the Department of Natural Resources and Community Development to study the feasibility of developing the highlands of the Roan Mountains as a State Park, with a favorable report.

S.B. 875, a bill to encourage waterfowl habitat conservation on private lands by authorizing the Wildlife Resources Commission to license approved habitat projects and by granting a tax deduction for the landowner's expenses, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee**.

By Senator Goldston for the **Transportation Committee**:

S.B. 411, a bill increasing the interest to be paid on partial license fees, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Finance Committee**.

S.B. 501, a bill to expand the Department of Administration's authority to remove unauthorized vehicles from all State-owned public grounds within the department's jurisdiction, with a favorable report.

S.B. 684, a bill relating to mopeds, with a favorable report, as amended.

On motion of Senator Goldston, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

By Senator Rauch for the **Finance Committee**:

S.B. 45, a bill to facilitate the exchange of information by the Department of Revenue and local tax officials, with a favorable report.

S.B. 484, a bill to exempt coin-operated laundries from sales tax, with a favorable report.

S.B. 533, a bill to provide that fees collected at State Parks be in addition to budgetary appropriations, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee**.

S.B. 630, a bill to allow the City of Hickory to impose facility fees, with a favorable report.

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 470, a bill to clarify that administrative costs of collecting the occupancy tax in certain counties shall be paid from the proceeds of the tax, with a favorable report.

S.B. 200, a bill to authorize Carteret County to levy a room occupancy and tourism development tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Friday, May 15, for further consideration.

S.B. 458, a bill to require the Town of Bridgeton to share with the First Craven Sanitary District sales tax proceeds earmarked for water and sewer costs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 458** (Committee Substitute), a bill to require the Town of Bridgeton to distribute part of its local sales tax proceeds to the First Craven Sanitary District, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Friday, May 15, for further consideration.

By Senator Guy for the **State Government Committee**:

H.B. 689, a bill to provide for reciprocity licensing of nonresident barbers by examination in certain circumstances, with a favorable report.

H.B. 796, a bill to add two additional licensed cosmetologists to the State Board of Cosmetic Art Examiners to be appointed by the General Assembly, with a favorable report.

H.B. 829, a bill to update the statements of the powers and duties of the Department of Cultural Resources, Division of State Library, with a favorable report.

S.B. 400, a bill to provide for an amendment to the Employment Security Law, with a favorable report, as amended.

S.B. 744, a bill to change the composition of the North Carolina State Indian Housing Authority, with a favorable report, as amended.

S.B. 817, a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction, with a favorable report, as amended.

By Senator Kaplan for the **Election Laws Committee**:

S.B. 348, a bill to permit voters to report changes of address within the county by postcard, with a favorable report.

S.B. 416, a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, with a favorable report.

S.B. 642, a bill to provide for the election of the Wilson County Board of Education from seven single-member districts, as provided by court order, with a favorable report.

H.B. 75 (Committee Substitute), a bill providing for election of the Pitt County Board of Education, with a favorable report.

H.B. 606, a bill to provide that the Hyde County Board of Commissioners must appoint to fill a vacancy on the membership of that board, or in the offices of Sheriff or Register of Deeds, the person recommended by the political party executive committee of the vacating officer, with a favorable report.

S.B. 347, a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, with a favorable report, as amended.

S.B. 483, a bill to provide for purging the voter registration of persons after each non-presidential general election who failed to vote in the second preceding presidential election, and to make it easier for persons to remain voters if they fail to vote, with an unfavorable report.

By Senator Hipps for the **Constitution Committee:**

S.B. 785, a bill to provide that a consent judgment for equitable distribution of property may be entered prior to a decree of absolute divorce granted on the ground of one year separation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 785** (Committee Substitute), a bill to amend the Constitution and the General Statutes to permit equitable distribution of property to be entered prior to a decree of absolute divorce, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hipps, the Committee Substitute bill is placed on the Calendar for Friday, May 15, for further consideration.

By Senator Barnes for the **Judiciary I Committee:**

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training, with a favorable report.

RE-REFERRAL

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition.

On motion of Senator Kaplan, the bill is taken form the **Election Laws Committee** and re-referred to the **Constitution Committee.**

H.B. 918, a bill to authorize Guilford County and the Cities of Greensboro and High Point to acquire real property by condemnation in order to preserve open space and open area, for the protection and conservation of watershed areas and municipal drinking water supplies, and to acquire the fee or any lesser interest.

On motion of Senator Seymour, without objection, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to **Local Government and Regional Affairs I Committee.**

S.B. 53, a bill to authorize the Greene County Committee of 100 to use previously appropriated funds to construct a building for industrial development rather than for mass gatherings.

Without objection, on motion of Senator Barnes, the rules are suspended and the bill is taken form the **Appropriations Committee** and is placed on the Calendar for Friday, May 15.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 71 (Senate Committee Substitute), an act to establish the Legislative Committee on New Licensing Boards and a review process for the creation of occupational and professional licensing boards. (Ch. 180)

H.B. 321, an act to define the phrase "in service" as it pertains to the survivor's alternate benefit in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System. (Ch. 181)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, Allran, Guy, Harrington, Harris, Martin of Guilford, McDuffie, Rauch, Richardson, Seymour, and Shaw:

S.B. 902, a bill to appropriate funds for Tideland, Catawba, Cleveland, Neuse, Gaston-Lincoln, Guilford, Mecklenburg, and Edgecombe-Nash Group Homes.
Referred to **Appropriations Committee.**

By Senator Walker:

S.B. 903, a bill to provide funds for the prevention of infant mortality, mental retardation and physical deformities due to genetic disorders.
Referred to **Appropriations Committee.**

By Senators Walker, Hunt of Moore, Rand, and Smith:

S.B. 904, a bill to appropriate funds for adult cystic fibrosis funds.
Referred to **Appropriations Committee.**

By Senators Seymour, Rand, Plyler, and Thomas:

S.B. 905, a bill to transfer funds for land grant records from the budget of the Secretary of State's office to that of the Division of Archives and History.
Referred to **Appropriations Committee.**

By Senator Seymour:

S.B. 906, a bill to prorate the bailment surcharge which pays for the operating budget of Alcohol Law Enforcement and to increase revenues to local ABC Boards.
Referred to **Finance Committee.**

By Senators Hunt of Moore and Walker:

S.B. 907, a bill to appropriate funds for an architectural survey of Aberdeen.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 908, a bill to appropriate funds to construct a county headquarters building in Beaufort County for the Division of Forest Resources.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 909, a bill to appropriate funds to partially match federal and local funds for the installation of a community drinking water and sewerage system in the Peachtree-Murphy Communities of Cherokee County, a long term solution to the present

contamination of the area's groundwater, rendering a substantial number of commercial and residential water supplies unfit for human consumption, with future water quality deterioration for the remaining water users in the community likely.
Referred to **Appropriations Committee.**

By Senators Seymour and Martin of Guilford:

S.B. 910, a bill to appropriate funds to the Eastern Music Festival for equipment and capital funds.
Referred to **Appropriations Committee.**

By Senators Speed, Basnight, Conder, Guy, Martin of Pitt, Martin of Guilford, and Parnell:

S.B. 911, a bill to appropriate funds to continue the Land Records Management Program established by the 1977 General Assembly.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 194 (Committee Substitute), a bill to validate certain conveyances where seals were omitted or notary was not qualified, certain notices to creditors of decedents where the deadline for submitting claims was omitted and certain foreclosure sales.
Referred to **Judiciary IV Committee.**

H.B. 319 (Committee Substitute), a bill to encourage the marking of oyster and clam bottom areas.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 332 (Committee Substitute), a bill to change the sunset and other provisions of the law regarding damages to certain personal property.
Referred to **Human Resources Committee.**

H.B. 713, a bill to minimize the legal liability of good samaritans assisting in preventing or cleaning up discharges of hazardous materials.
Referred to **Environment Committee.**

H.B. 748, a bill to prohibit hunting from the roads in part of Craven County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 1076, a bill to provide that confessions of judgment may be sworn to as well as verified.
Referred to **Judiciary IV Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 408, a bill to annex certain property into the City of Charlotte and to ratify certain actions of the City of Charlotte, upon third reading.
The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford,

Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 473, a bill to authorize Union County to adopt a unified land use ordinance, allow the Board of Adjustment to act by majority vote, authorize the Planning Board to issue permits, and require challenges to zoning amendments to be brought within sixty days, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 282, a bill to revise and consolidate the Charter of the Town of Lake Lure, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 769, a bill enabling the City of Elizabeth City and the County of Pasquotank to establish an Airport Authority for the construction, operation, use and maintenance of airport facilities in the County of Pasquotank, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 399, a bill to allow the County of Durham to adopt and comply with minimum minority and/or women's business enterprise requirements.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 460, a bill concerning staggered terms for the Town of Laurel Park.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 616, a bill to permit the City of Asheboro to dispose of certain real property by private negotiation and sale.

On motion of Senator Hunt of Moore, Committee Amendment No.1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 568, a bill to authorize the County Manager to reject bids when appropriate without action by the Mecklenburg County Board of Commissioners.

The bill passes its second and third readings and is ordered enrolled.

H.B. 708, a bill to change the name of the "Industrial Development Commission" for Stanly County to the "Economic Development Commission" for Stanly County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 741, a bill to require the County Commissioners of Clay County to provide adequate funds, personnel and equipment to the Sheriff of Clay County for law enforcement in the County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 765, a bill to permit regulation of maritime forests by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores.

The bill passes its second and third readings and is ordered enrolled.

H.B. 407 (Committee Substitute), a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: Senator Thomas--1.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 973 (Committee Substitute), an act to amend the Business Corporation Act to regulate the acquisition of control of corporations in which North Carolina has a substantial interest by reason of incorporation or otherwise. (Ch. 182)

CALENDAR (Continued)

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

Senator Taft offers Amendment No. 2.

On motion of Senator Taft, further consideration of the Committee Substitute bill, as amended, with Amendment No. 2 pending, is postponed until tomorrow, May 14.

S.B. 243, a bill to create criminal penalties for certain intentional, willful or wanton actions of health care providers and to limit punitive damages in civil actions.

On motion of Senator Johnson of Wake, Committee Amendment No. 1, which changes the title to read, **S.B. 243**, a bill to create criminal penalties for certain intentional, willful and wanton actions of health care providers and to limit punitive damages in civil actions, is adopted.

Senator Sands offers Amendment No. 2 which is adopted (electronically recorded).

Senator Taft calls the previous question, seconded by Senator Royall. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 257, a bill to modify the procedures for reports by the University of North Carolina on vending facility operations, so as to delete a requirement for quarterly reports, and limit the applicability to institutional trust funds.

On motion of Senator Martin of Guilford, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 322, a bill to permit the allocation of individual income tax refunds to the North Carolina Fund for Children and Families.

Senator Hipps offers a motion that the bill be re-referred to the **Children and Youth Committee**, which motion prevails (electronically recorded).

S.B. 334, a bill to permit the allocation of corporate income tax refunds to the North Carolina Fund for Children and Families.

Senator Hipps offers a motion that the bill be re-referred to the **Children and Youth Committee**, which motion prevails (electronically recorded).

S.B. 457, a bill to amend the Private Protective Services Act.

On motion of Senator Swain, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 496, a bill to amend the enabling legislation of the North Carolina State Ports Authority to make certain technical and conforming amendments.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

Senator Daniel requests to be recorded voting "aye."

S.B. 734, a bill to amend the Business Corporation Act to regulate the acquisition of control of corporations in which North Carolina has a substantial interest by reason of incorporation or otherwise.

On motion of Senator Soles, duly seconded, the Committee Substitute bill is postponed indefinitely.

S.B. 739, a bill to toll the statute of limitations in a civil action during a period of incompetency.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 795, a bill to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting offenders.

Senator Winner offers Amendment No. 1, changing the title to read, **S.B. 795**, a bill to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting and DWI offenders.

Senator Johnson of Wake rises to a point of order as to the Amendment being germane to the bill.

The Chair sustains the point of order and rules the Amendment not germane to the bill. Senator Winner subsequently withdraws Amendment No. 1.

On motion of Senator Winner, consideration of the bill is postponed until Thursday, May 14.

H.B. 134 (Senate Committee Substitute), a bill to provide for protection of the public from inactive hazardous substance or waste disposal sites and to establish the Carolina Clean Drinking Water Fund, upon third reading.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

S.B. 870, a bill to reorganize the Marine Fisheries Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion, the Committee Substitute bill is adopted.

On motion of Senator Tally, the Committee Substitute bill is re-referred to the **Finance Committee.**

On motion of Senator Harrington, seconded by Senator Winner, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, May 14, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Jesse Mooney, Minister of Pilot Baptist Church, Zebulon, as follows:

"Almighty and all merciful God, the Source of all life, the Giver of every good and perfect gift, we commend our beloved nation and our own great State of North Carolina to the guidance of Thy wisdom and the keeping of Thy love.

"We give thanks for these whom we have chosen to serve in the General Assembly. We ask that they be enabled to serve in honesty of purpose and uprightness of heart,

that through their faithfulness the life of our people may be guided by wise policies, and lifted to higher ideals and nobler achievements.

"Father, so equip us that we will be equal to our high trusts, reverent in the use of freedom, just in the exercise of power, and generous in the protection of the weak.

"Grant that wisdom and knowledge characterize our times and our deepest trust be in the One Who is the Lord of Nations and the King of Kings. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants courtesies of the floor to John R. Gamble, Jr., former Representative from Lincoln County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee:**

S.B. 351, a bill to provide for the defense of local health department sanitarians enforcing State public health rules, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 351** (Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Monday, May 18, for further consideration.

By Senator Swain for the **Judiciary III Committee:**

S.B. 765, a bill to provide that a final divorce may be granted after a separation period of six months, with a favorable report.

H.B. 47 (Committee Substitute), a bill to provide for county satellite jail/work release units for misdemeanants, with a favorable report.

S.B. 526, a bill to clarify that an action by a parent or supervisor of a child which creates a substantial risk of physical injury to the child by means that are not accidental is felony child abuse, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Swain, the Committee Substitute bill is placed on the Calendar for Monday, May 18, for further consideration.

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 664, a bill to provide for confidentiality of information developed in investigations by the North Carolina Board of Dental Examiners until the information is used in formal notices of hearings, with a favorable report.

S.B. 710, a bill to provide for rules and procedures for products liability lawsuits involving firearms, with a favorable report.

S.B. 827, a bill to change the standard of proof for the award of punitive damages and to eliminate punitive damages based on vicarious liability, with a favorable report.

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles, with a favorable report, as amended.

S.B. 663, a bill to specifically authorize the North Carolina Board of Dental Examiners to regulate general anesthesia and parenteral sedation by dentists, with a favorable report, as amended.

S.B. 764, a bill to provide qualified immunity to local governments and civic organizations and their officers, employees and volunteers against liability arising out of annual festivals and celebrations, with a favorable report, as amended.

By Senator Martin of Pitt for the **Manufacturing and Labor Committee**:

H.B. 952, a bill to provide that sums received for services performed as an elected official may not be considered in determining that individual's employment status under employment security law, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

S.B. 829, a bill to create the offense of "trafficking in Lysergic Acid Diethylamide", with a favorable report.

S.B. 371, a bill to establish a substance abuse program for inmates and to establish a substance abuse advisory council, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S.B. 757, a bill to provide that certain legal qualifications shall count as relevant experience for applicants for a certified public accountant examination, with a favorable report, as amended.

By Senator Speed for the **Agriculture Committee**:

S.B. 561, a bill to amend and clarify the promotion of sale and use of tobacco statutes, with a favorable report.

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication, with a favorable report, as amended.

S.B. 831, a bill to promote aquaculture by the creation of a board to guide future development and to fund demonstration and experimental projects, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Speed, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 283, an act authorizing the establishment of veterans cemeteries. (Ch. 183)

H.B. 568, an act to authorize the County Manager to reject bids when appropriate without action by the Mecklenburg County Board of Commissioners. (Ch. 184)

H.B. 708, an act to change the name of the "Industrial Development Commission" for Stanly County to the "Economic Development Commission" for Stanly County. (Ch. 185)

H.B. 741, an act to require the County Commissioners of Clay County to provide adequate funds, personnel and equipment to the Sheriff of Clay County for law enforcement in the County. (Ch. 186)

H.B. 765, an act to permit regulation of maritime forests by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores. (Ch. 187)

S.B. 138, an act to authorize Moore County to levy a room occupancy tax. (Ch. 188)

S.B. 231, an act to require the Secretary of Human Resources to inspect restaurants at least quarterly. (Ch. 189)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Martin of Guilford:

S.B. 912, a bill regarding funds for the Charlotte Hawkins Brown State Historic Site.
Referred to **Appropriations Committee.**

By Senator Johnson of Cabarrus:

S.B. 913, a bill to appropriate funds to the Town of Mount Pleasant for the construction of a lake and dam on Black Run Creek.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 914, a bill to appropriate funds for the restoration and rehabilitation of the Old Martin County Courthouse in Williamston.
Referred to **Appropriations Committee.**

By Senators Winner and Royall:

S.B. 915, a bill to appropriate funds for the Distinguished Professors Endowment Trust Fund.
Referred to **Appropriations Committee.**

By Senators Winner and Swain:

S.B. 916, a bill to appropriate funds for Asheville Chamber Music's Endowment Trust Fund.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 917, a bill to establish a special fund to meet critical school facility needs.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 918, a bill to make adjustments in salaries for teachers who earn master's degrees.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 919, a bill to appropriate funds to add four additional special superior court judges.
Referred to **Appropriations Committee.**

By Senators Marvin, Tally, Swain, Walker, and Richardson:

S.B. 920, a bill to appropriate funds for developmental evaluation centers for children with special needs.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 279, a bill to make it unlawful to allow a minor to perform activities on business premises while nude, partially nude or attired in transparent clothing.
Referred to **Judiciary I Committee.**

H.B. 351 (Committee Substitute), a bill to reduce the trauma to a child victim by clarifying that child protection agencies are authorized to share information.
Referred to **Children and Youth Committee.**

H.B. 425 (Committee Substitute), a bill to provide that nonresidents who fish outside North Carolina waters may obtain a vessel license during any month thereby allowing them to land and sell fish in North Carolina.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 456, a bill to eliminate the age restrictions for apprentice river pilots appointed by the Cape Fear River Navigation and Pilotage Commission.
Referred to **Judiciary IV Committee.**

H.B. 600, a bill to authorize hunting foxes with dogs on licensed controlled hunting preserves.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 632 (Committee Substitute), a bill to prohibit hunting in Anson County without the written permission of the landowner, to regulate deer hunting season in Anson County, to prohibit hunting from the right-of-way of a public road, and to require owner identification on dogs used to hunt deer in Anson County.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 783, a bill to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the Local Government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance.
Referred to **Insurance Committee.**

H.B. 784 (Committee Substitute), a bill to provide for reimbursement to the State for costs of consultants retained for reviewing insurance rate filings and certain classification plans; and to provide for the return of certain filings that do not meet statutory requirements.
Referred to **Insurance Committee.**

H.B. 831, a bill to increase the fees set and collected by the State Board of Mortuary Science.
Referred to **Human Resources Committee.**

H.B. 844, a bill to make certain clarifying and conforming amendments to the North Carolina Self-Insurance Guaranty Act.
Referred to **Insurance Committee.**

H.B. 885, a bill to amend the Charter of the Town of Ahoskie.
Referred to **Finance Committee.**

H.B. 1029, a bill to modernize the priority funeral expense allowance in probate proceedings.
Referred to **Judiciary I Committee.**

H.B. 1033, a bill creating the offense of interfering with an emergency citizens band radio communication.
Referred to **Judiciary III Committee.**

H.B. 1094, a bill pertaining to altering or changing engine and other numbers.
Referred to **Judiciary III Committee.**

H.B. 1175, a bill to provide for an interlocutory appeal.
Referred to **Judiciary I Committee.**

S.B. 143, a bill to provide that the Board of County Commissioners of Onslow County may appoint special peace officers with limited jurisdiction, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 15.

H.B. 649, a bill to make certain amendments to the right to know act.
Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 473, a bill to authorize Union County to adopt a unified land use ordinance, allow the Board of Adjustment to act by majority vote, authorize the Planning Board to issue permits, and require challenges to zoning amendments to be brought within sixty days, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 282, a bill to revise and consolidate the Charter of the Town of Lake Lure, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith,

Soles, Somers, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 769, a bill enabling the City of Elizabeth City and the County of Pasquotank to establish an Airport Authority for the construction, operation, use and maintenance of airport facilities in the County of Pasquotank, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 625, a bill to exempt the Conoconnara Burial Society from regulation under Chapter 58 of the General Statutes.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 630, a bill to allow the City of Hickory to impose facility fees.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 642, a bill to provide for the election of the Wilson County Board of Education from seven single-member districts, as provided by court order.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 75 (Committee Substitute), a bill providing for election of the Pitt County Board of Education.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 470, a bill to clarify that administrative costs of collecting the occupancy tax in certain counties shall be paid from the proceeds of the tax.

The bill passes its second and third readings and is ordered enrolled.

H.B. 606, a bill to provide that the Hyde County Board of Commissioners must appoint to fill a vacancy on the membership of that board, or in the offices of Sheriff

or Register of Deeds, the person recommended by the political party executive committee of the vacating officer.

The bill passes its second and third readings and is ordered enrolled.

H.B. 407 (Committee Substitute), a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program, upon third reading.

Without objection, on motion of Senator Taft, consideration of the Committee Substitute bill is postponed until Monday, May 18.

S.B. 817, a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction.

Senator Hardison offers a motion to the end that the bill be taken up out of its regular order of business, which motion prevails.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Pursuant to Rule 42.1, Senator Royall, Chairman of the **Ways and Means Committee**, requests a fiscal note.

The Chair orders the bill, as amended, temporarily displaced for receipt of a fiscal note.

S.B. 416, a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 484, a bill to exempt coin-operated laundries from sales tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--43.

Voting in the negative: Senator Hipps--1.

On motion of Senator Royall, the bill is re-referred to the **Ways and Means Committee**.

S.B. 45, a bill to facilitate the exchange of information by the Department of Revenue and local tax officials.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 205 (Committee Substitute), a bill to establish State and local funding responsibilities for the uniform system of free public schools.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions, as amended, with Amendment No. 2 pending.

Without objection, Senator Taft withdraws Amendment No. 2.

Senator Taft offers Amendment No. 3 which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 4 which is adopted (electronically recorded).

Senator Hipps offers Amendment No. 5. Debate ensues and on motion of Senator Taft, the rules are suspended to allow him to speak on Amendment No. 5 the second time (electronically recorded). Senator Taft calls the previous question, duly seconded. The call is sustained. Amendment No. 5 is adopted (electronically recorded).

Senator Block offers Amendment No. 6 which is adopted (electronically recorded).

Senator Taft calls the previous question, seconded by Senator Harris. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 311, a bill to clarity the Fair Housing Act.

The bill passes its second reading (electronically recorded).

On objection of Senator Kincaid to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles, Vice-Chairman for Senator Hardison for the **Commerce Committee**:

S.B. 285, a bill to clarify the North Carolina Regional Reciprocal Banking Act, with a favorable report.

S.B. 293, a bill to revise the legal banking holidays, with a favorable report.

S.B. 666, a bill to include Texas in the North Carolina Interstate Banking Region, with a favorable report.

S.B. 813, a bill to require implementation of least cost planning initiatives by utilities, with a favorable report.

S.B. 822, a bill to permit the provision of shared use and resale of telephone services, with a favorable report.

CALENDAR (Continued)

S.B. 347, a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

The Chair orders the bill, as amended, temporarily displaced.

S.B. 348, a bill to permit voters to report changes of address within the county by postcard.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 400, a bill to provide for an amendment to the Employment Security Law.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 501, a bill to expand the Department of Administration's authority to remove unauthorized vehicles from all State-owned public grounds within the department's jurisdiction.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training, as amended.

On motion of Senator Staton, consideration of the bill, as amended, is postponed until tomorrow, Friday, May 15.

S.B. 566, a bill to increase the amount of liquor a person may purchase and possess.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 581, a bill to authorize a single purchase- transportation permit for certain large purchases of spirituous liquor.

The bill passes its second reading (electronically recorded).

After further debate, the bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

S.B. 585, a bill to make certain changes in mental health, mental retardation, and substance confidentiality laws.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 592, a bill to authorize area authorities to contract with health maintenance organizations.

On motion of Senator Walker, the bill is re-referred to the **Appropriations Committee**.

S.B. 705, a bill requiring the Department of Natural Resources and Community Development to study the feasibility of developing the highlands of the Roan Mountains as a State Park.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 707, a bill to make purchase or possession of alcoholic beverages by eighteen year old an infraction.

Pursuant to Rule 42.1, Senator Rand requests a fiscal note, and the Chair places the bill on the Calendar for Monday, May 18.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 836, a bill to amend Chapter 93 relating to the practice as a certified public accountant or accountant, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 347, a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, temporarily displaced earlier is placed before the Senate for further consideration, upon third reading, as amended.

Senator Martin of Guilford offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 901, a joint resolution honoring the life and memory of Clyde Monroe Norton, former State Senator.

On motion of Senator Swain, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings with members standing and is ordered enrolled.

CALENDAR (Continued)

S.B. 719, a bill to allow the waiver of certain surety bonds required for charitable solicitation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 736 (Committee Substitute), a bill to provide for four-year terms for members of the Board of Governors of the University of North Carolina, and beginning in 1989 providing that no member may be re-elected to that Board after 12 consecutive years of service.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1357, a bill to authorize use of UDAG Funds and Small Cities Community Development Block Grant Funds by the Town of St. Pauls.

On motion of Senator Parnell, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third reading and is ordered enrolled.

CALENDAR (Continued)

S.B. 740 (Committee Substitute), a bill to provide that when a city or county appeals a judgment, staying the enforcement of the judgment, the city or the county shall not be required to post a bond.

Senator Sands offers Amendment No. 1 which is adopted (electronically recorded) changing the title to read, **S.B. 740** (Committee Substitute), a bill to provide that when a city or county or a local board of education appeals a judgment, staying the enforcement of the judgment, the city or the county the local board of education shall not be required to post a bond.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 744, a bill to change the composition of the North Carolina State Indian Housing Authority.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 795, a bill to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting offenders.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Senator Martin of Guilford offers Amendment No. 3.

Without objection, the Chair orders the bill, as amended, with Amendment No. 3 pending, temporarily displaced.

H.B. 531, a bill to include in the list of those who shall be granted letters of administration, in order of priority, the next of kin of the decedent.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 689, a bill to provide for reciprocity licensing of nonresident barbers by examination in certain circumstances.

The bill passes its second reading (electronically recorded).

On objection of Senator Plyler to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 796, a bill to add two additional licensed cosmetologists to the State Board of Cosmetic Art Examiners to be appointed by the General Assembly.

The bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 817, a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction, temporarily displaced earlier, for receipt of a fiscal note, is placed before the Senate for further consideration, upon third reading, as amended.

Senator Royall submits the fiscal note.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 795, a bill to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting offenders, temporarily displaced earlier, is placed before the Senate for further consideration, as amended, upon third reading, with Amendment No. 3 pending.

Without objection, Senator Martin of Guilford withdraws Amendment No. 3.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H.B. 829, a bill to update the statements of the powers and duties of the Department of Cultural Resources, Division of State Library.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 243, a bill to create criminal penalties for certain intentional, willful and wanton actions of health care providers and to limit punitive damages in civil actions, as amended, upon third reading.

Senator Somers offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Swain offers Amendment No. 4 which is adopted (electronically recorded).

Senator Martin of Guilford offers Amendment No. 5. Senator Taft calls the previous question, seconded by Senator Harris. The call is sustained. Amendment No. 5 fails of adoption (electronically recorded).

Senator Taft calls the previous question, seconded by Senator Rauch. The call is sustained.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Martin of Guilford, the Senate adjourns to meet tomorrow at 11:00 A.M.

SIXTY-NINTH DAY

SENATE CHAMBER,
Friday, May 15, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, it is You who have made us and not we ourselves. You have given us many opportunities and ways of freedom, but You have called upon us to be responsible for all that we do. You have given us freedom with resources and abilities, a world that calls on us to be cared for, and many people who need to be served. Help us to know the spirit of truth and love as we try to serve You in all that we do. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Guy, who is attending a meeting in Washington, D.C. with the Secretary of Defense, and to Senators McDuffie, Soles and Winner.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 17, an act to eliminate seasonal privilege licenses. (Ch. 190)

S.B. 415, an act relating to leasing and renting of the Charlotte Auditorium-Coliseum-Convention Center-Baseball Stadium Authority properties and facilities. (Ch. 191)

S.B. 519, an act relating to the appointment of members of the Lexington City Board of Education. (Ch. 192)

H.B. 75 (Committee Substitute), an act providing for election of the Pitt County Board of Education. (Ch. 193)

H.B. 282, an act to revise and consolidate the Charter of the Town of Lake Lure. (Ch. 194)

H.B. 470, an act to clarify that administrative costs of collecting the occupancy tax in certain counties shall be paid from the proceeds of the tax. (Ch. 195)

H.B. 606, an act to provide that the Hyde County Board of Commissioners must appoint to fill a vacancy on the membership of that board, or in the offices of Sheriff or Register of Deeds, the person recommended by the political party executive committee of the vacating officer. (Ch. 196)

H.B. 701, an act to provide nonprofit organizations with the alternative of providing a letter of credit as security for payments to the Employment Security Fund. (Ch. 197)

H.B. 769, an act enabling the City of Elizabeth City and the County of Pasquotank to establish an Airport Authority for the construction, operation, use and maintenance of airport facilities in the County of Pasquotank. (Ch. 198)

H.B. 829, an act to update the statements of the powers and duties of the Department of Cultural Resources, Division of State Library. (Ch. 199)

H.B. 1357, an act to authorize use of UDAG Funds and Small Cities Community Development Block Grant Funds by the Town of St. Pauls. (Ch. 200)

H.J.R. 901, a joint resolution honoring the life and memory of Clyde Monroe Norton, former State Senator. (Res. 22)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Commerce Committee:**

S.B. 494, a bill to ensure that the hearing- and speech-impaired have access to basic telephone service, with a favorable report, as amended.

On motion of Senator Hardison, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 524, a bill to more explicitly authorize true-ups of prudently incurred fuel costs in electric utility ratemaking, with a favorable report, as amended.

S.B. 873, a bill to make a techanical and clarifying change to the Bank Holding Company Act of 1984, with a favorable report, as amended.

S.B. 317, a bill to authorize the creation of North Carolina capital corporations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hardison, the Committee Substitute bill is re-referred to the **Economic Growth Committee.**

S.B. 743, a bill to extend the authority of consumer finance licensees' affiliates to make home loans in the same office as their parent companies, with an unfavorable report as to bill, but favorable as to Committee Substitute.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 743** (Committee Substitute), a bill to extend temporarily the authority of consumer finance licensees' affiliates to make home loans in the same office as the licensee, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hardison, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

By Senator Warren for the **Education Committee**:

S.B. 527, a bill to clarify leave provisions for public school employees, with a favorable report.

S.B. 537, a bill to appropriate funds for additional assistant principals and secretaries, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Appropriations Committee**.

By Senator Seymour for the **Alcoholic Beverage Control Committee**:

S.B. 791, a bill to permit certain small cities to hold alcoholic beverage elections, with a favorable report.

By Senator Taft, Vice-Chairman, for Senator Winner for the **Environment Committee**:

S.B. 114, a bill to suspend the issuance of any permit for, selection or operation of, and approval of a commercial hazardous waste facility of any type, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 114** (Committee Substitute), a bill to specify an additional requirement applicable to the permitting of any commercial hazardous waste treatment facility for the purpose of protecting public health, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Taft, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

S.B. 806, a bill to regulate the discharge of phosphate into the Neuse River Basin, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Taft, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 714, a bill to abolish the rule in Shelley's case, with a favorable report, as amended.

S.B. 784, a bill to provide that physicians who dispense prescription drugs must register, with an unfavorable report as to bill, but favorable as to Committee Substitute bill

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 784** (Committee Substitute), a bill to

provide that physicians who dispense prescription drugs must register and to provide that patients have the right to fill prescriptions at the pharmacy of their choice, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Seymour and Martin of Guilford:

S.B. 921, a bill to appropriate funds to the United Arts Council of Greensboro, Inc., for restoration of the Carolina Theatre and to develop a cultural complex.
Referred to **Appropriations Committee.**

By Senators Seymour and Martin of Guilford:

S.B. 922 a bill to appropriate funds to Greensboro Beautiful, Inc., to develop an arboretum in the Piedmont.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 923, a bill to provide aid to families with dependent children for two parent families.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 924, a bill to provide Medicaid coverage for pregnant women and children.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 925, a bill to appropriate funds to set the 1988 Medicaid and Aid to Families with Dependent Children Income Eligibility Standards.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 926, a bill to increase the Medicaid income eligibility limits for the elderly and disabled.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 927, a bill to appropriate funds for additional social services eligibility workers.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 928, a bill to ensure that Medicaid is available to eligible nineteen, twenty, and twenty-one olds.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 929, a bill to continue the Indigent Health Care Study Commission and to appropriate funds for the Commission's study.
Referred to **Appropriations Committee.**

By Senators Rand and Walker:

S.B. 930, a bill to provide aid to more families with dependent children to encourage recipients to find and keep jobs.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 192, a bill to adopt the Uniform Premarital Agreement Act.
Referred to **Judiciary IV Committee.**

H.B. 636, a bill to permit prospective adoptive parents to petition to terminate parental rights without prior adjudication of abuse or neglect.
Referred to **Judiciary III Committee.**

H.B. 725, a bill concerning traffic regulations at the Greensboro/High Point/Winston-Salem Regional Airport.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 819, a bill to revise maximum fees authorized for the North Carolina State Board of Examiners in Optometry.
Referred to **Finance Committee.**

H.B. 857, a bill to preserve canceled bonds, notes, and coupons for historical and educational purposes.
Referred to **Finance Committee.**

H.B. 864, a bill allowing the Pitt County Board of Elections to cross township lines in drawing precinct lines.
Referred to **Election Laws Committee.**

H.B. 865, a bill to delete the requirement that the Historic Properties Commission and the city or county governing board hold joint public hearings.
Referred to **Judiciary I Committee.**

H.B. 875, a bill to exempt Guilford County from the requirement that the Historic Properties Commission and the County governing board hold joint public hearings, and instead require separate hearings.
Referred to **Judiciary I Committee.**

H.B. 879, a bill to amend procedures for scheduling controlled substances.
Referred to **Judiciary III Committee.**

H.B. 909, a bill to authorize the City of Southport to adopt and enact ordinances regulating the removal, replacement, and preservation of trees within the City's territorial jurisdiction.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 910, a bill to exempt private lands exclusively used for storm drainage purposes from special assessments in Brunswick County.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 1165, a bill to require that State allotted and other full-time assistant principals meet the certification requirements applicable to principals.
Referred to **Education Committee.**

H.B. 1168, a bill to clarify the legal sale hours of wholesale commercial permitees.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 1272 (Committee Substitute), a bill to clarify the law regarding sanitary sewage system law and chemical toilets.
Referred to **Human Resources Committee.**

S.B. 26, a bill to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, May 18.

H.B. 79, a bill to repeal inactive and obsolete statutes in Chapter 106, Agriculture.
Referred to **Agriculture Committee.**

H.B. 704, a bill to clarify the authority of the officers of the police department of the Eastern Band of the Cherokee.
Referred to **Judiciary III Committee.**

H.B. 754, a bill to extend the coverage of the State Tort Claims Act to community colleges and technical colleges.
Referred to **Judiciary II Committee.**

H.B. 826, a bill to clarify the definition of bodily injury for children in domestic violence under Chapter 50B.
Referred to **Judiciary III Committee.**

H.B. 1022, a bill to amend Chapter 58 relating to credit insurance.
Referred to **Commerce Committee.**

H.B. 1107, a bill to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities.
Referred to **Judiciary I Committee.**

H.B. 1145, a bill amending just compensation.
Referred to **Judiciary I Committee.**

H.B. 1163, a bill to establish Local Adolescent Health Task Forces.
Referred to **Education Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Rauch presides over a portion of today's Session).

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax, upon third reading.
The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:
Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--39.
Voting in the negative: None.
The bill is ordered sent to the House of Representatives.

S.B. 200 (Committee Substitute), a bill to authorize Carteret County to levy a room occupancy and tourism development tax, upon second reading.
The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Thomas, Walker, and Warren--40.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 18, for further consideration upon third reading.

S.B. 458 (Committee Substitute), a bill to require the Town of Bridgeton to distribute part of its local sales tax proceeds to the First Craven Sanitary District.

On motion of Senator Barker, consideration of the Committee Substitute bill is postponed until Monday, May 18.

S.B. 143, a bill to provide that the Board of County Commissioners of Onslow County may appoint special peace officers with limited jurisdiction, for concurrence in House Amendment No. 1.

On motion of Senator Parnell, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

S.B. 416, a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication, upon second reading.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, May 18, for further consideration upon third reading.

S.B. 53, a bill to authorize the Greene County Committee of 100 to use previously appropriated funds to construct a building for industrial development rather than for mass gatherings.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 285, a bill to clarify the North Carolina Regional Reciprocal Banking Act.

The bill passes its second reading (electronically recorded).

On objection of Senator Hardison to its third reading, the bill remains on the Calendar for Monday, May 18, for further consideration.

S.B. 293, a bill to revise the legal banking holidays.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 464 (Committee Substitute), a bill to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the local government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 468, a bill to extend the exemption from the insurance law of manufacturer and seller warranties to all goods.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

RECONSIDERATION

S.B. 293, a bill to revise the legal banking holidays.

Senator Goldston moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

The bill remains before the Senate for further consideration, upon third reading.

Senator Goldston offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 213, a bill to make the possession of any quantity of cocaine a felony, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

S.B. 242, a bill to amend the powers and duties of the Board of Medical Examiners and other health care provider licensing boards., with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 242** (Committee Substitute), a bill to amend the powers and duties of the Board of Medical Examiners, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

S.B. 818, a bill to provide for the civil liability of a defendant convicted of an offense of shoplifting or theft by employee, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 818** (Committee Substitute), a

bill creating a civil cause of action against shoplifters and employees who steal from their employers, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

CALENDAR (Continued)

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training, as amended.

Senator Barnes calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, and on his further motion, the bill, as amended, remains on the Calendar for Tuesday, May 19, for further consideration.

S.B. 561, a bill to amend and clarify the promotion of sale and use of tobacco Statutes.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

On motion of Senator Martin of Guilford, the bill, as amended, is re-referred to the Human Resources Committee.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the Children and Youth Committee:

S.B. 367, a bill to strengthen the standards regarding removal of children from their homes and to make other changes in the Juvenile Code, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Conder, the Committee Substitute bill is placed on the Calendar for Tuesday, May 19, for further consideration.

CALENDAR (Continued)

S.B. 586 (Committee Substitute), a bill to amend G.S. 108A-79(k) to eliminate county appeals from final decisions of the Department of Human Resources.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 663, a bill to specifically authorize the North Carolina Board of Dental Examiners to regulate general anesthesia and parenteral sedation by dentists.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the bill, as amended, remains on the Calendar for Monday, May 18, for further consideration.

S.B. 664, a bill to provide for confidentiality of information developed in investigations by the North Carolina Board of Dental Examiners until the information is used in formal notices of hearings.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 666, a bill to include Texas in the North Carolina Interstate Banking Region.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S.B. 710, a bill to provide for rules and procedures for products liability lawsuits involving firearms.

The bill passes its second reading.

On objection of Senator Swain to its third reading, the bill remains on the Calendar for Monday, May 18, for further consideration.

S.B. 757, a bill to provide that certain legal qualifications shall count as relevant experience for applicants for a certified public accountant examination.

On motion of Senator Swain, consideration of the bill is postponed until Tuesday, May 19.

S.B. 764, a bill to provide qualified immunity to local governments and civic organizations and their officers, employees and volunteers against liability arising out of annual festivals and celebrations.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted, changing the title to read, **S.B. 764**, a bill to provide qualified immunity to local governments and civic organizations and their officers, employees and volunteers against liability arising out of festivals and celebrations.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the bill, as amended, remains on the Calendar for Monday, May 18, for further consideration.

S.B. 765, a bill to provide that a final divorce may be granted after a separation period of six months.

On motion of Senator Swain, consideration of the bill is postponed until Monday, May 18.

S.B. 785 (Committee Substitute), a bill to amend the Constitution and the General Statutes to permit equitable distribution of property to be entered prior to a decree of absolute divorce.

The Chair declares the Committee Substitute bill proposes a Constitutional Amendment and requires a call of the roll and a three-fifths majority vote.

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: None.

On objection of Senator Hipps to its third reading, the Committee Substitute bill remains on the Calendar for Monday, May 18, for further consideration upon third reading.

S.B. 813, a bill to require implementation of least cost planning initiatives by utilities.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 822, a bill to permit the provision of shared use and resale of telephone services.

Without objection, the Chair places the bill on the Calendar for Monday, May 18.

S.B. 827, a bill to change the standard of proof for the award of punitive damages and to eliminate punitive damages based on vicarious liability.

The bill fails to pass its second reading (electronically recorded).

S.B. 829, a bill to create the offense of "trafficking in Lysergic Acid Diethylamide".

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.B. 408, an act to annex certain property into the City of Charlotte and to ratify certain actions of the City of Charlotte. (Ch. 201)

CALENDAR (Continued)

S.B. 836, a bill to amend Chapter 93 relating to the practice as a certified public accountant or accountant.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the bill, as amended, remains on the Calendar for Monday, May 18, for further consideration.

H.B. 47 (Committee Substitute), a bill to provide for county satellite jail/work release units for misdemeanants.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 952, a bill to provide that sums received for services performed as an elected official may not be considered in determining that individual's employment status under employment security law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions, as amended, upon third reading.

Senator Taft offers Amendment No. 7 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded).

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 311, a bill to clarify the Fair Housing Act, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

H.B. 689, a bill to provide for reciprocity licensing of nonresident barbers by examination in certain circumstances, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 796, a bill to add two additional licensed cosmetologists to the State Board of Cosmetic Art Examiners to be appointed by the General Assembly, upon third reading.

The bill passes its third reading and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Speed, the Senate adjourns to meet Monday at 7:00 P.M.

SEVENTIETH DAY

SENATE CHAMBER,
Monday, May 18, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend James H. Miller, Jr., Minister of First United Methodist Church, Cary, as follows:

"Eternal God, Whose providence undergirds and sustains us all our days, we come to You at the beginning of this week to acknowledge Your guidance in our lives and in the events of history. It would be presumptuous to undertake the tasks of this legislative session relying solely on human strength and wisdom. Grant to these Senators those gifts that come only from You: a sense of the sacredness of human life, compassion for the oppressed and downtrodden, stewardship of our natural resources, and justice for all. Grant, O God, that they may be motivated not by the applause of constituents, but by the integrity of their decisions. When their work is done may they know Your commendation, 'Well done, good and faithful servants.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President and Members of the Senate recognize Senator Ollie Harris as the recipient of the North Carolina Mental Health, Mental Retardation and Substance Abuse Council, Senate Legislator of the Year (1987).

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 143, an act to provide that the Board of County Commissioners of Onslow County may appoint special peace officers with limited jurisdiction. (Ch. 202)

S.B. 407, an act to allow Sampson County and municipalities located therein to engage in economic development activities. (Ch. 203)

S.B. 492, an act to authorize municipalities within Gaston County to enter into agreements concerning annexations. (Ch. 204)

S.B. 518, an act to revise and consolidate the Charter of the City of Salisbury and to repeal prior Charter acts. (Ch. 205)

S.B. 610, an act to further clarify the authority of the City of Durham to make grants and loans for economic development serving the needs of persons of low and moderate income. (Ch. 206)

H.B. 47 (Committee Substitute), an act to provide for county satellite jail/work release units for misdemeanants. (Ch. 207)

H.B. 345, (Senate Committee Substitute) an act to authorize Wildlife Enforcement Officers to enforce the littering law. (Ch. 208)

H.B. 555, an act to authorize Currituck County to levy a room occupancy and tourism development tax. (Ch. 209)

H.B. 689, an act to provide for reciprocity licensing of nonresident barbers by examination in certain circumstances. (Ch. 210)

H.B. 796, an act to add two additional licensed cosmetologists to the State Board of Cosmetic Art Examiners to be appointed by the General Assembly. (Ch. 211)

H.B. 952, an act to provide that sums received for services performed as an elected official may not be considered in determining that individual's employment status under employment security law. (Ch. 212)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston for the **Transportation Committee**:

S.B. 410, a bill to authorize traffic lanes for rush hour traffic, with a favorable report.

S.B. 780, a bill to exempt businesses with a net worth of more than five million dollars from the requirements of the business opportunity sales requirements of Chapter 66 of the General Statutes, with a favorable report.

S.B. 825, a bill to provide relief from the weight limitations for refuse haulers, with a favorable report.

S.B. 865, a bill regarding eligibility for transporter plates, with a favorable report.

S.B. 69, a bill to create and fund a secondary road equalization fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 69** (Committee Substitute), a bill to allocate a portion of the secondary road construction funds based upon the construction cost, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Goldston, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 709, a bill making it illegal to harass people taking wildlife or fisheries resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Wednesday, May 20, for further consideration.

By Senator Harris for the **Human Resources Committee**:

S.B. 868, a bill to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services, with a favorable report.

H.B. 246, a bill to increase the population criterion for counties that seek to expand County Commissioners' authority over local boards, with a favorable report.

H.B. 284, a bill to add provisions to the rabies control law concerning possession and sale of rabies vaccine, with a favorable report.

H.B. 323, a bill to require that rabies vaccination clinics be offered at least annually rather than quarterly, with a favorable report.

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, with a favorable report, as amended.

On motion of Senator Harris, the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

S.B. 701, a bill to establish a septage management program in the Department of Human Resources, with a favorable report, as amended.

On motion of Senator Harris, the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

S.B. 288, a bill to allow the Secretary of the Department of Human Resources to provide assistance to private nonprofit foundations, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Harris, the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar Wednesday, May 20, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Basnight and Harrington:

S.B. 931, a bill to appropriate funds for the acquisition of the Timber Deed on the Conine Island tract in the Roanoke River Floodplain Forest in Bertie County.

Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 932, a bill to appropriate funds for Orange, Person, and Chatham Psychiatric Hospitalization Services.

Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 933, a bill to appropriate funds for Sandhills Center for Psychiatric and Detoxification Services.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 934, a bill to appropriate funds for a clerk typist position in the Geodetic Survey Section, Division of Land Resources, Department of Natural Resources and Community Development.

Referred to **Appropriations Committee.**

By Senators Plyler, Conder and Rand:

S.B. 935, a bill to appropriate funds for the construction of facilities at University research units and outlying research stations at the NCSU School of Agriculture and Life Sciences.
Referred to **Appropriations Committee.**

By Senators Block, Barker, Barnes, Basnight, Daniel, Goldston, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Richardson, Sands, Seymour, Simpson, Soles, Somers and Thomas:

S.B. 936, a bill to appropriate funds to implement the North Carolina State Ports Authority's comprehensive five-year plan.
Referred to **Appropriations Committee.**

By Senators Block, Barker, Barnes, Basnight, Daniel, Goldston, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Richardson, Sands, Seymour, Soles, Somers and Thomas:

S.B. 937, a bill to appropriate funds to replace a collapsed berth at the Port of Morehead City.
Referred to **Appropriations Committee.**

By Senator Hipps:

S.B. 938, a bill to appropriate funds to the North Carolina Christmas Tree Association for the purpose of implementing a marketing program.
Referred to **Appropriations Committee.**

By Senators Winner and Swain:

S.B. 939, a bill to appropriate funds for a Rape Crisis Center office in Madison County.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 940, a bill to appropriate funds to build a Santeetlah Community Center for cultural, recreational, and educational activities.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 941, a bill to appropriate funds for Nags Head Woods Ecological Preserve for continuation and expansion of its programs.
Referred to **Appropriations Committee.**

By Senators Martin of Pitt and Basnight:

S.B. 942, a bill to appropriate funds for the purchase and operation of forest fire suppression equipment for Edgecombe County.
Referred to **Appropriations Committee.**

By Senators Tally and Hunt of Moore:

S.B. 943, a bill to appropriate funds for Southeastern North Carolina Radio Reading Service to serve the blind and the visually impaired.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 475 (Committee Substitute), a bill to require timely payments to subcontractors and suppliers, and to provide for interest on late payments.
Referred to **Judiciary II Committee.**

H.B. 510, a bill concerning intensive remedial summer school programs and related transportation in the local school administrative units.
Referred to **Education Committee.**

H.B. 526, a bill to increase the corporate limits of the Town of Polkville.
Referred to **Finance Committee.**

H.B. 546 (Committee Substitute), a bill to provide for amendments to the Employment Security Law.
Referred to **Manufacturing and Labor Committee.**

H.B. 622, a bill to provide official license plates for the Clerks of Superior Court.
Referred to **Transportation Committee.**

H.B. 637, a bill to amend the definition of abused juveniles in Chapter 7A.
Referred to **Judiciary II Committee.**

H.B. 761 (Committee Substitute), a bill to repeal the 90-Day Failure Law and make a change in the law regulating infractions.
Referred to **Judiciary III Committee.**

H.B. 767, (Committee Substitute), a bill to authorize Dare County to dispose of property by private sale in connection with a lease-purchase arrangement for construction of a law enforcement center and jail.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 776 (Committee Substitute), a bill to regulate the shining of lights in deer areas in the Counties of Bertie and Madison.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 791 (Committee Substitute), a bill to amend the Electric and Telephone Membership Corporations Act to enlarge the vote of members required to authorize a telephone membership corporation to sell, mortgage, lease or otherwise encumber or dispose of its property.
Referred to **Commerce Committee.**

H.B. 824 (Committee Substitute), a bill to amend Chapter 122A to allow the North Carolina Housing Finance Agency to temporarily adjust income requirements for certain multi-family housing, to own certain housing projects, and to correct certain statutory drafting errors.
Referred to **State Government Committee.**

H.B. 868, a bill to regulate deer hunting in the Bladen Lakes State Forest.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 869 (Committee Substitute), a bill to allow the Bladen County Board of Commissioners to alter the manner of their election.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 871, a bill to allow the Towns of Knightdale and Zebulon to impose water and wastewater capacity charges.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 876, a bill to vest title to abandoned railroad easements in adjoining property owners.
Referred to **Judiciary IV Committee.**

H.B. 956, a bill to enable members of the Association for Retarded Citizens of North Carolina's Lifeguardianship Council to claim otherwise unclaimed bodies for burial or other humane and caring disposition.
Referred to **Human Resources Committee.**

H.B. 1019, a bill to raise the speed limit for activity buses.
Referred to **Transportation Committee.**

H.B. 1162, a bill to provide that a defendants's real property, personal property, and income may be attached to obtain restitution.
Referred to **Judiciary I Committee.**

S.B. 123, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts for concurrence in House Amendment No. 1, held to be material.
Reading of the message, constitutes the first reading of the bill, and the bill is placed on the Calendar for tomorrow, May 19, for concurrence in House Amendment No. 1, upon second reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 42, a bill to increase the supervision fee for probation and parole.
Referred to **Finance Committee.**

H.B. 448 (Committee Substitute), a bill to prohibit hunting from the rights-of-way of public roads in the Counties of Alexander, Catawba, and Iredell.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 823, a bill to require certain information be used in determining fire insurance rates for homeowners insurance in rural fire districts.
Referred to **Insurance Committee.**

H.B. 878 (Committee Substitute), a bill to make changes in the scheduling of certain controlled substances.
Referred to **Human Resources Committee.**

H.J.R. 903, a joint resolution honoring the life and memory of Glenn Alexander Morris, former member of the North Carolina General Assembly.
On motion of Senator Swain, the bill is placed on the Calendar for tomorrow, May 19.

H.B. 993, a bill relating to the use of saddle mounts in transporting motor vehicles.
Referred to **Transportation Committee.**

H.B. 1036 (Committee Substitute), a bill to implement the Federal Single Audit Act of 1984 in North Carolina.
Referred to **State Government Committee.**

H.B. 1120, a bill to authorize appellate courts to fix the value of legal services provided to indigents in appeals.
Referred to **Judiciary IV Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 200 (Committee Substitute), a bill to authorize Carteret County to levy a room occupancy and tourism development tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill is ordered without objection, sent to the House of Representatives by special messenger.

S.B. 458 (Committee Substitute), a bill to require the Town of Bridgeton to distribute part of its local sales tax proceeds to the First Craven Sanitary District.

On motion of Senator Barker, consideration of the Committee Substitute bill is postponed until Thursday, May 21.

S.B. 560, a bill to improve the collection of cost sharing assessments for boll weevil eradication, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45,noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 785 (Committee Substitute), a bill to amend the Constitution and the General Statutes to permit equitable distribution of property to be entered prior to a decree of absolute divorce, upon third reading.

Receiving a three-fifths affirmative majority vote the Committee Substitute bill passes third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 407 (Committee Substitute), a bill to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of

Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--44.

Voting in the negative: Senators Simpson, Thomas and Winner--3.

The Committee Substitute bill is ordered enrolled.

S.B. 351 (Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources.

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until Wednesday, May 20.

S.B. 524, a bill to more explicitly authorize true-ups of prudently incurred fuel costs in electric utility ratemaking.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

Senator Thomas offers a motion that, the bill, as amended, be re-referred to the **Environment Committee**, which motion fails to prevail (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Tally to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following joint resolutions, which are read the first time and disposed of as follows:

H.J.R. 777, a joint resolution honoring the life and memory of Roberts H. Jernigan, Jr.

On motion of Senator Harrington, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second reading (electronically recorded) unanimously and third reading with members standing and is ordered enrolled.

CALENDAR (Continued)

S.B. 526 (Committee Substitute), a bill to clarify that an action by a parent or supervisor of a child which creates a substantial risk of physical injury to the child by means that are not accidental is felony child abuse.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 527, a bill to clarify leave provisions for public school employees.

The bill passes its second (electronically recorded) and third readings and is ordered without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following joint resolutions, which are read the first time and disposed of as follows:

H.J.R. 778, a joint resolution honoring the bicentennial of the Town of Murfreesboro, North Carolina, and the memory of its founders.

On motion of Senator Harrington, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H.J.R. 963, a joint resolution honoring Bishop James Walker Hood on the 100th anniversary of the re-chartering of Livingstone College by the North Carolina General Assembly.

On motion of Senator Rand, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 707, a bill to make purchase or possession of alcoholic beverages by eighteen year old an infraction.

Senator Sands submits the fiscal note requested on May 14, and offers a motion to re-refer the bill to the **Appropriations Committee**, which motion prevails.

S.B. 714, a bill to abolish the rule in Shelley's case.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 765, a bill to provide that a final divorce may be granted after a separation period of six months.

Senator Harris, duly seconded, offers a motion that the bill do lie upon the table, which motion fails to prevail (electronically recorded).

On motion of Senator Sands, the bill is recommitted to the **Judiciary III Committee**.

S.B. 791, a bill to permit certain small cities to hold alcoholic beverage elections.

Senator Parnell offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for further consideration.

RECONSIDERATION

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions.

Senator Taft moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Taft moves that the vote by which Amendment No. 7 was adopted be reconsidered, which motion prevails.

Without objection, Senator Taft is allowed to correct Amendment No. 7, and the corrected Amendment No. 7 is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

CALENDAR (Continued)

S.B. 822, a bill to permit the provision of shared use and resale of telephone services.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Marvin to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 873, a bill to make a techanical and clarifying change to the Bank Holding Company Act of 1984.

On motion of Senator Hardison, Committee Amendment No. 1 changing the title to read **S.B. 873**, a bill to make a technical and clarifying change to the Bank Holding Company Act of 1984.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 285, a bill to clarify the North Carolina Regional Reciprocal Banking Act, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 663, a bill to specifically authorize the North Carolina Board of Dental Examiners to regulate general anesthesia and parenteral sedation by dentists, as amended, upon third reading.

Senator Johnson of Wake offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 710, a bill to provide for rules and procedures for products liability lawsuits involving firearms, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered without objection, sent to the House of Representatives by special messenger.

S.B. 764, a bill to provide qualified immunity to local governments and civic organizations and their officers, employees and volunteers against liability arising out of festivals and celebrations, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 836, a bill to amend Chapter 93 relating to the practice as a certified public accountant or accountant, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 26, a bill to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators, for concurrence in House Amendment No. 1.

On motion of Senator Ezzell, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

S.B. 649, a bill to modify the school finance pilot project, with a favorable report.

S.B. 742, a bill to provide for CPR training in the public schools, with a favorable report.

S.B. 691, a bill to eliminate statewide standardized testing of children in the first and second grades, with a favorable report, as amended.

S.B. 81, a bill to make school dropouts ineligible for drivers licenses, with an unfavorable report.

S.B. 627, a bill to provide that the Winston-Salem/Forsyth County Board of Education may pay its teachers and other instructional personnel on the sixteenth day of each month, with an unfavorable report.

The President recognizes the following pages serving in the Senate this week: Rosi Blake, New Bern; Amelia Nicole Boyd, Raleigh; Andrea M. Byrns, Franklinton; Stephanie Coleman, Raleigh; Aaron Bryan Creech, Henderson; Cori Daniels, Manteo; Allison Carrol Friar, Cary; Lynn Goswich, Franklinton; Tonya Marie Horton, Roper; Sonja Lanette Littlejohn, Roper; Sabrina Matheny, Louisburg; Jody Glenn Morris, Charlotte; Veronica Oglesby, Midway Park; Charles Reavis, Raleigh; Thomas Rickenbaker, Waxhaw; Randee Lynn Russ, Hamlet; Vanessa Spence, Raleigh; Maria Ward, Southport; Patricia Yvonne Warren, Raleigh; William Windley, Raleigh; Timothy Earl Worth, Raleigh.

On motion of Senator Harrington, seconded by Senator Parnell, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-FIRST DAY

SENATE CHAMBER,
Tuesday, May 19, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, we thank Thee that Thou doest call each of us by name and doest give to us a sacred calling to be Your ministers and servants in all those places where we live, work, and play. You are calling now, saying, 'Whom shall we send, and who will go for us?' Grant that we like Isaiah of old, may say, 'Here am I, send me.'

"Help each of us, as chaplains, Senators, clerks, pages, and other State employees, to reaffirm our belief in the priesthood of all believers and to understand the special opportunity which is ours to be priests, prophets, and pastors in this arena.

"As priests, inspire us to intercede for the children, youth, and adults of our State who have no one to speak for them. As prophets, inspire us to speak and work for the protection of the environment, for the rights of the minorities, for the concerns of the consumer, and for the good of all the citizens of our State, not simply some special interest group. And as pastors, grant that we may minister to those in our local communities and in this Chamber who are wounded, weary, heavy laden, sick, or bereaved.

"All this we ask in the Name of Him who said, 'You shall be called priests of the Lord and men shall speak of you as ministers of our God.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 862, a bill to require Preferred Provider Organizations to consider participation or enrollment of new providers on at least an annual basis, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 862** (Committee Substitute), a bill to provide reasonable regulation of preferred provider contracts for health services, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Thursday, May 21, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Goldston:

S.B. 944, a bill to add sales tax on the sale of spirituous liquor.
Referred to **Finance Committee.**

By Senator Seymour:

S.B. 945, a bill to appropriate funds to the Department of Transportation for the construction of dump stations at the welcome centers and rest areas along the State highways.
Referred to **Appropriations Committee.**

By Senator Seymour:

S.B. 946, a bill to appropriate funds to the Division of Archives and History of the Department of Cultural Resources to continue the Tar Heel Junior Historian Program.
Referred to **Appropriations Committee.**

By Senator Seymour:

S.B. 947, a bill to appropriate funds to the Old Greensborough Preservation Society for the continued restoration of the William Fields House in Old Greensborough.
Referred to **Appropriations Committee.**

By Senators Ward, Conder, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Seymour, Speed, Staton, Tally, Walker, and Warren:

S.B. 948, a bill to establish a lead teacher pilot program.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 949, a bill to appropriate funds to the Department of Human Resources for the Governor's Council on Physical Fitness and Health.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 174 (Committee Substitute No. 2), a bill to amend the Alarm Systems Licensing Act.
Referred to **State Government Committee.**

H.J.R. 808 (Committee Substitute), a joint resolution honoring the memory of Reginald Wilson and Preston Boswell and the services of Marion Wilson, Lillian Boswell, Margaret Edwards, and the City of Burlington for pioneering the Educable Mentally Handicapped Training Program in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 858, a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting.
Referred to **Election Laws Committee.**

H.B. 977, a bill to make technical amendments to the Administrative Procedure Act, the Administrative Rules Review Commission Statutes, and related Statutes.
Referred to **Judiciary I Committee.**

H.B. 1088 (Committee Substitute), a bill to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions.
Referred to **Election Laws Committee.**

H.B. 1197, a bill to eliminate the requirement that the cost of expunging a record be taxed against the petitioner.
Referred to **Judiciary IV Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Higher Education Committee:**

S.B. 510, a bill to transfer responsibility for licensing and supervision of proprietary schools from the State Board of Education to the State Board of Community Colleges, with a favorable report.

S.B. 794, a bill to establish a program to help mature women train for jobs and personal development and to plan for financial self-sufficiency, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 681, a bill to make dependents of law enforcement officers, rescue squad workers, and firemen, killed or permanently disabled in the line of duty eligible for free tuition at any of the constituent institutions of the University of North Carolina, with a favorable report, as amended
On motion of Senator Martin of Guilford, the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.
The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Rand, Vice-Chairman, for Senator Soles for the **Judiciary IV Committee:**

S.B. 689, a bill to allow the Supreme Court to designate a commercial publication as the Official Reports of the Appellate Division, or allow a contract for publication of those reports, with a favorable report.

S.B. 816, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking by permitting the use of electronic surveillance in limited circumstances, with a favorable report.

By Senator Swain for the **Judiciary III Committee**:

S.B. 427, a bill to provide that murder committed while engaged in drug trafficking is an aggravating circumstance in determining whether to impose the death sentence on a convicted defendant, with a favorable report, as amended.

S.B. 597, a bill to expand the definition of offenses involving impaired driving, with a favorable report, as amended.

S.B. 771, a bill to limit the liability of a director of a religious society, a fraternal society or order, or any nonprofit association, organization, or entity, with a favorable report, as amended.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 26, an act to clarify the privilege license tax on peddlers, itinerant merchants, and flea market operators. (Ch. 213)

S.B. 554, an act to assist small business development. (Ch. 214)

H.B. 407 (Committee Substitute), an act to make certain changes in the North Carolina Childhood Vaccine-Related Injury Compensation Program. (Ch. 215)

H.J.R. 777, a joint resolution honoring the life and memory of Roberts H. Jernigan, Jr. (Res. 23)

H.J.R. 778, a joint resolution honoring the Bicentennial of the Town of Murfreesboro, North Carolina, and the memory of its founders. (Res. 24)

H.J.R. 963, a joint resolution honoring Bishop James Walker Hood on the 100th Anniversary of the re-chartering of Livingstone College by the North Carolina General Assembly. (Res. 25)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 123, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Barnes, consideration of the bill, for concurrence, upon second reading, is postponed until Thursday, May 21.

S.B. 865, a bill regarding eligibility for transporter plates, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 114 (Committee Substitute), a bill to specify an additional requirement applicable to the permitting of any commercial hazardous waste treatment facility for the purpose of protecting public health.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

S.B. 213 (Committee Substitute), a bill to make the possession of any quantity of cocaine a felony.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 242 (Committee Substitute), a bill to amend the powers and duties of the Board of Medical Examiners.

Without objection the Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, May 20.

S.B. 367 (Committee Substitute), a bill to strengthen the standards regarding removal of children from their homes and to make other changes in the Juvenile Code.

Pursuant to Rule 42.1, Senator Royall, Chairman of the **Ways and Means Committee**, requests a fiscal note.

Without objection, the Chair places the Committee Substitute bill on the Calendar for Thursday, May 21, for receipt of a fiscal note.

S.B. 410, a bill to authorize traffic lanes for rush hour traffic.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 649, a bill to modify the school finance pilot project.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan for the **Election Laws Committee**:

S.B. 482, a bill to eliminate the requirement that the county board of elections must approve the withdrawal of any candidate in a single county election, with a favorable report.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee**:

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum, with a favorable report.

S.B. 455, a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, with a favorable report.

H.B. 567, a bill to authorize the Mecklenburg County Board of Commissioners to waive the requirement for bid deposits on bids for equipment and material, with a favorable report.

H.B. 643 (Committee Substitute), a bill to provide for the filing of housing code notices or orders in the notice of *lis pendens* by certain local governments, with a favorable report.

H.B. 738, a bill to authorize Orange County and municipalities in that County to engage in joint planning programs and to enter into annexation agreements, with a favorable report.

H.B. 848 (Committee Substitute), a bill to exempt the Town of Knightdale from size restrictions on satellite annexations under certain conditions, with a favorable report.

H.B. 891, a bill to increase the fine for unauthorized parking in a handicapped parking space in Charlotte, with a favorable report.

H.B. 914, a bill enabling the Towns of Boone and Blowing Rock to pass ordinances to require that certain rental residential dwelling units have automatic smoke detectors, with a favorable report.

S.B. 536, a bill to provide for the termination of certain railroad rights of way, with a favorable report, as amended.

H.B. 644, a bill to reduce the number of publications required for Charlotte street closing hearings, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 850, a bill to expand the criminal law prohibiting animal fighting and to raise the penalty for violations, with a favorable report, as amended.

On motion of Senator Barnes, the bill is placed on the Calendar for Thursday, May 21.

S.B. 879, a bill to protect the rights of sales representatives to post-terminations sales commissions, with a favorable report, as amended.

On motion of Senator Barnes, the bill is placed on the Calendar for Thursday, May 21.

By Senator Parnell for the **Insurance Committee**:

S.B. 775, a bill to permit insurers to have access to the records of the Industrial Commission about employees that they insure, with a favorable report.

S.B. 759, a bill to authorize the formation of multiple employer trusts to provide health insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Thursday, May 21, for further consideration.

S.B. 462, a bill to provide for standards for long-term care insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Thursday, May 21, for further consideration.

S.B. 513, a bill to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Thursday, May 21, for further consideration.

By Senator Staton for the **Economic Growth Committee**:

S.B. 236, a bill to create a North Carolina Local Government Finance Authority, to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for school facilities, to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for infrastructure improvements, and to create and appropriate funds for the North Carolina Clean Water Loan Subsidy and Grant Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 236** (Committee Substitute), a bill to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for school facilities, to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for infrastructure improvements, and to create and appropriate funds for the North Carolina Clean Water Loan Subsidy and Grant Program, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Staton, the Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM CALENDAR

S.J.R. 522, a joint resolution honoring the centennial of the Town of Southern Pines and the memory of its founders.

Without objection, on motion of Senator Hunt of Moore, the joint resolution is taken from the Calendar for Monday, May 25 and recommitted to the **Rules and Operation of the Senate Committee**.

CALENDAR (Continued)

S.B. 691, a bill to eliminate statewide standardized testing of children in the first and second grades.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 742, a bill to provide for CPR training in the public schools.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 743 (Committee Substitute), a bill to extend temporarily the authority of consumer finance licensees' affiliates to make home loans in the same office as the licensee.

Senator Guy offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 757, a bill to provide that certain legal qualifications shall count as relevant experience for applicants for a certified public accountant examination.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 780, a bill to exempt businesses with a net worth of more than five million dollars from the requirements of the business opportunity sales requirements of Chapter 66 of the General Statutes.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 784 (Committee Substitute), a bill to provide that physicians who dispense prescription drugs must register and to provide that patients have the right to fill prescriptions at the pharmacy of their choice.

Senator Warren offers Amendment No. 1 which is adopted (electronically recorded), changing the title to read, **S.B. 784** (Committee Substitute), a bill to provide that physicians who dispense prescription drugs must register.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 818 (Committee Substitute), a bill creating a civil cause of action against shoplifters and employees who steal from their employers.

Senator Somers offers Amendment No. 1 which he subsequently withdraws.

Senator Somers offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 825, a bill to provide relief from the weight limitations for refuse haulers.

Senator Sands offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 868, a bill to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 246, a bill to increase the population criterion for counties that seek to expand County Commissioners' authority over local boards.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 114 (Committee Substitute), a bill to specify an additional requirement applicable to the permitting of any commercial hazardous waste treatment facility for the purpose of protecting public health, upon third reading.

Senator Swain withdraws his objection to the third reading of the Committee Substitute bill, and the bill remains before the Senate for further consideration, upon third reading.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 818 (Committee Substitute), a bill creating a civil cause of action against shoplifters and employees who steal from their employers, upon third reading.

Senator Block withdraws his objection to the third reading of the Committee Substitute bill, as amended.

Senator Swain subsequently objects to the third reading of the Committee Substitute bill, as amended, and the bill remains on the Calendar for tomorrow for further consideration.

H.B. 284, a bill to add provisions to the rabies control law concerning possession and sale of rabies vaccine.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 323, a bill to require that rabies vaccination clinics be offered at least annually rather than quarterly.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.J.R. 903, a joint resolution honoring the life and memory of Glenn Alexander Morris, former member of the North Carolina General Assembly.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 524, a bill to more explicitly authorize true-ups of prudently incurred fuel costs in electric utility ratemaking, as amended, upon third reading.

Pursuant to Rule 42.1, Senator Thomas, Vice-Chairman of the **Finance Committee**, requests a fiscal note.

Without objection, the Chair places the bill, as amended, on the Calendar for Thursday, May 21, for receipt of the fiscal note.

S.B. 551, a bill to provide for the apprehension and discipline of National Guard Personnel for failure to attend annual active duty training and schedule inactive duty training, as amended, upon third reading.

Senator Parnell offers Amendment No. 2 which he subsequently withdraws.

Senator Parnell, seconded by Senator Swain, offers a motion that the bill, as amended, do lie upon the table, which motion prevails (electronically recorded). The bill, as amended, lies upon the table.

RECONSIDERATION

S.B. 759 (Committee Substitute), a bill to authorize the formation of multiple employer trusts to provide health insurance.

Senator Parnell moves that the vote by which the Committee Substitute bill was adopted be reconsidered, which motion prevails.

Senator Parnell offers a motion that the Committee Substitute bill be recommitted to the **Insurance Committee** along with the original bill, which motion prevails.

CALENDAR (Continued)

S.B. 791, a bill to permit certain small cities to hold alcoholic beverage elections, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 822, a bill to permit the provision of shared use and resale of telephone services, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

S.B. 27, a bill to repeal the charter of the Danieltown Volunteer Fire Department, Inc., with a favorable report.

S.B. 760, a bill relating to the establishment and financing of self-insurance programs by cities and counties, with a favorable report.

On motion of Senator Ezzell, the bill is re-referred to the **Finance Committee.**

S.B. 781, a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map, with a favorable report.

H.B. 659, a bill to permit Cumberland County to use unmarked County vehicles for delivery of certain human services, with a favorable report.

H.B. 665, a bill to amend the Charter of the City of High Point relating to the Mayor Pro Tempore, with a favorable report.

H.B. 690, a bill authorizing the City of Durham to enforce building and housing ordinances in any manner prescribed for the enforcement of general ordinances of the City, with a favorable report.

H.B. 694, a bill amending the Charter of the City of Durham to permit the sale or other transfer of property subject to certain conditions and restrictions, with a favorable report.

H.B. 722, a bill to exempt the Town of Grifton from certain zoning notice requirements, with a favorable report.

On motion of Senator Ezzell, the bill is placed on the Calendar for Thursday, May 21.

S.B. 696, a bill to refer pending incorporation bills to the Joint Legislative Commission on Municipal Incorporations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 696** (Committee Substitute), a bill to require all further proposals for municipal incorporation to be reviewed by the Joint Legislative Commission on Municipal Incorporations, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Ezzell, the Committee Substitute bill is placed on the Calendar for Thursday, May 21, for further consideration.

By Senator Conder for the **Children and Youth Committee:**

S.B. 777, a bill to strengthen joint custody where custody of children is at issue, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Conder, the Committee Substitute bill is placed on the Calendar for Thursday, May 21, for further consideration.

S.B. 778, a bill to provide for a pilot program for mediation in disputed custody or visitation cases and to provide for a divorce fee to fund the program, with an unfavorable report as to bill, but favorable as to Committee Substitute.

On motion of Senator Conder, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 778** (Committee Substitute), a bill to establish a statewide program of custody mediation and evaluation services, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Conder, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

On motion of Senator Harrington, seconded by Senator Guy, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-SECOND DAY

SENATE CHAMBER,
Wednesday, May 20, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Frank Bowers, Minister of Parkton Baptist Church, Parkton, as follows:

"Dear God, we thank You for letting us live on this good earth of Yours. We thank You for revealing Your main characteristic as Love. We thank You for trusting us to behave as You wish.

"We ask Your forgiveness for our failures. We have often misused and abused Your trust for our own selfish reasons. Many times we have done evil to others, selfishly reasoning that we must do them before they do us. We often break the command You give to at least seven major religions. Forgive us for forgetting or just failing to, 'do unto others as we would like them to do unto us.'

"We thank You for this nation. May we be great and do unto other nations as we would like them to do unto us. We thank You for this great State of North Carolina. We thank You for the ladies and men here trusted to do their best for others, all North Carolina citizens.

"We pray that You Will will be known in this Session of the Senate and that these trusted representatives will fulfill their duty here and now as You wish. We pray for our State. May we find greatness as we follow the righteousness You inspire. We make our prayers to the God of Love. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

On motion of Senator Rauch, the President extends courtesies of the floor to Miss Wheelchair America, Sandra Honbaier from Gaston County, who approaches the desk of Senator Rauch and briefly addresses the membership.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hipps for the **Constitution Committee:**

S.B. 756, a bill to restrict the use of special provisions in appropriations bills, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hipps, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

S.B. 456, a bill to amend the Constitution to secure to the Governor the power of veto, with an unfavorable report.

By Senator Guy for the **State Government Committee:**

H.B. 218, a bill to allow the disposition of certain properties held in the Executive Mansion, with a favorable report.

S.B. 127, a bill to establish a State lottery after a binding referendum, with an unfavorable report.

By Senator Soles for the **Judiciary IV Committee:**

S.B. 593, a bill to clarify a sheriff's personal liability for the acts of his deputy, with a favorable report, as amended.

S.B. 409, a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

S.B. 669, a bill to clarify the State Tort Claims Act and related Statutes, to improve the administration of the Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

H.B. 589, a bill to provide for continued compliance with the Voting Rights Act and to improve the administration of justice by providing for the elimination of staggered terms for Superior Court Judges, creating more Superior Court Judicial Districts, eliminating the Office of Special Superior Court Judge, and making conforming changes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Seymour for the **Alcoholic Beverage Control Committee:**

H.B. 630, a bill to amend Chapter 745 of the 1965 Session Laws as it pertains to the redistribution of ABC profits for the Town of Blowing Rock, with a favorable report.

H.B. 1168, a bill to clarify the legal sale hours of wholesale commercial permitees, with a favorable report.

By Senator Parnell for the **Insurance Committee:**

S.B. 768, a bill to provide for policies of windstorm and hail insurance to be available through the Beach Plan, with a favorable report.

S.B. 329, a bill to repeal the prohibition against offering insurance through credit card facilities and to authorize insurance coverage of credit card indebtedness, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 329** (Committee Substitute), a bill to repeal the prohibition against offering credit insurance through credit card facilities and to authorize insurance coverage of credit card indebtedness, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

S.B. 512, a bill to provide for the registration and regulation of third party administrators of life and health insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 512** (Committee Substitute), a bill to provide for the registration and regulation of third party administrators, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

S.B. 759, a bill to authorize the formation of multiple employer trusts to provide health insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

By Senator Goldston for the **Transportation Committee:**

S.B. 783, a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina", with a favorable report, as amended.

S.B. 401, a bill to authorize the Department of Transportation to participate in engineering and construction contracts with private developers for proposed state highways, with a favorable report.

S.B. 544, a bill to authorize the DOT to exchange uneconomic remnants created by highway construction, with a favorable report.

S.B. 656, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes, with a favorable report.

S.B. 725, a bill to require that motor vehicle headlights and tail lights be illuminated during inclement weather, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Appropriations Committee.**

S.B. 769, a bill to extend the sunset on the Department of Transportation's authority to allow excess weight vehicles on the interstates, with a favorable report.

S.B. 405, a bill to exempt county-owned vehicles used primarily for transportation of clients of local health departments, county departments of social services or area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked, with a favorable report, as amended.

S.B. 543, a bill to exempt highway construction diaries from the public records statute, with a favorable report, as amended.

S.B. 721, a bill to increase certain restrictions on outdoor advertising along the interstate highways and federal-aid primary highways, with a favorable report, as amended.

S.B. 782, a bill to increase the allowable axle weights for certain vehicles, with a favorable report, as amended.

S.B. 541, a bill to amend Chapter 20 of the General Statutes to provide for the compensation for stress for overloaded vehicles on posted bridges, with an unfavorable report.

S.B. 823, a bill to require applicants for drivers license to show proof of financial responsibility before a drivers license is issued, with an unfavorable report.

By Senator Speed for the **Agriculture Committee**:

H.B. 771, a bill to provide immunity to members of the North Carolina Agricultural Finance Authority, with a favorable report, as amended.

On motion of Senator Speed, the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted, changing the title to read, **H.B. 771**, a bill to provide immunity to members of the North Carolina Agricultural Finance Authority and to clarify the rule-making procedures applicable to various agencies.

The bill, as amended, is re-referred to the **Finance Committee**.

S.B. 604, a bill to provide for licensing of cotton warehouses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Speed, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Conder for the **Children and Youth Committee**:

S.B. 808, a bill to provide that tobacco products may not be sold to minors that minors may not use tobacco products on school premises, with a favorable report, as amended.

By Senator Rauch for the **Finance Committee**:

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons, with a favorable report.

S.B. 394, a bill to provide for specialized plates for Pearl Harbor survivors, with a favorable report.

S.B. 411, a bill increasing the interest to be paid on partial license fees, with a favorable report.

S.B. 491, a bill to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value to the gross estate, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

S.B. 506, a bill to make various changes in the law relating to registers of deeds, with a favorable report.

S.B. 529, a bill to permit the City of Winston-Salem to collect a motor vehicle tax of not more than twenty dollars, with a favorable report.

S.B. 607, a bill to modify and expand the distribution by the Office of Administration Hearings of the North Carolina register and other documents, with a favorable report.

S.B. 682, a bill to increase the maximum fee the Board of Examiners in psychology may require for examinations under the Practicing Psychologists' Licensing Act, with a favorable report.

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, with a favorable report, as amended.

S.B. 304, a bill to increase the maximum tax credit for certain real property donations, with a favorable report, as amended.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

S.B. 535, a bill to amend the fee schedule for hazardous waste facilities, with a favorable report, as amended.

H.B. 207, a bill to create specialized registration plates for members of the Coast Guard Auxiliary, with a favorable report, as amended.

S.B. 337, a bill to provide a procedure for filing certification when no inheritance tax return is required, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 337** (Committee Substitute), a bill to provide a procedure for the registration of inheritance and estate tax waivers, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ezzell:

S.B. 950, a bill to establish a commission to study, revise, and rewrite the Business Corporation Act.

Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 951, a bill to appropriate funds for Stedman-Wade Health Services, Inc.

Referred to **Appropriations Committee.**

By Senators Marvin, Harris, Kaplan, Plyler, Royall, Swain, Tally, and Ward:

S.B. 952, a bill to appropriate funds for early intervention services for children.
Referred to **Appropriations Committee.**

By Senator Johnson of Cabarrus:

S.B. 953, a bill to appropriate funds to the Cabarrus County Firemen's Association, Inc., for operational purposes.
Referred to **Appropriations Committee.**

By Senator Johnson of Cabarrus:

S.B. 954, a bill to appropriate funds to the Piedmont Residential Development Center, Inc., for operations.
Referred to **Appropriations Committee.**

By Senator Johnson of Cabarrus:

S.B. 955, a bill to appropriate funds to Cabarrus Workshop, Inc., to continue to provide services to the mentally and physically handicapped adults of Cabarrus County.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 956, a bill to appropriate funds to the Department of Administration for domestic violence and rape crisis programs in the twenty-ninth senatorial district.
Referred to **Appropriations Committee.**

By Senators Hardison, Harris, Smith, Harrington, Parnell, and Guy:

S.B. 957, a bill creating a Veterans Home Study Commission and appropriating funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Hardison:

S.B. 958, a bill to permit a member of the teachers' and State employees' retirement system to purchase certain creditable service rendered as a public health officer.
Referred to **Pensions and Retirement Committee.**

By Senators Kaplan and Ward:

S.B. 959, a bill to appropriate funds to the Young Women's Christian Association of Winston-Salem, Inc.
Referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 960, a bill to appropriate funds for the Sawtooth Center for Visual Design in downtown Winston-Salem.
Referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 961, a bill to appropriate funds for the Child Guidance Center, Incorporated, of Winston-Salem.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 962, a bill to appropriate funds for the outdoor historical drama, "First for Freedom".
Referred to **Appropriations Committee.**

By Senator Smith:

S.B. 963, a bill to appropriate funds to the Davidson Historical Museum for handicapped access to museum.
Referred to **Appropriations Committee.**

By Senators Marvin, Rauch, Harris:

S.B. 964, a bill to appropriate funds to Look Up Gaston.
Referred to **Appropriations Committee.**

By Senators Royall, Rand, Taft, Plyler, Sherron, Staton, and Walker:

S.B. 965, a bill to extend the North Carolina Commission on Jobs and Economic Growth and appropriate funds therefor.
Referred to **Appropriations Committee.**

By Senators Royall and Hunt of Durham:

S.B. 966, a bill to appropriate funds for the Durham Downtown Arts Complex.
Referred to **Appropriations Committee.**

By Senators Harrington and Taft:

S.B. 967, a bill to appropriate funds for the restoration and rehabilitation of the Old Martin County Courthouse in Williamston.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 968, a bill to appropriate funds to the Northampton County Museum to continue historic preservation and interpretive educational programs.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 969, a bill to appropriate funds to Hertford County for capital improvements to the Senior Citizen Center in Winton.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 970, a bill to appropriate funds for the 4-H and Youth Day Camp in Halifax County.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 971, a bill to appropriate funds for the Gates County Historical Society to use for the restoration of the interior of the Old Gates County Courthouse and Annex.
Referred to **Appropriations Committee.**

ADDITIONAL ENDORSEMENT

The following Senator requests to be recorded endorsing bills and resolutions previously introduced:

By Senator Barker:

S.B. 709, a bill making it illegal to harass people taking wildlife or fisheries resources.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 307, a bill to increase State sales and use taxes by one percent and to earmark the full proceeds for public school buildings.
Referred to **Finance Committee.**

H.B. 387, a bill to provide the Cities of Statesville and Morganton and authority to acquire property for a post office by eminent domain, and transfer that property to the United States Postal Service by private lease or sale.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 634, a bill to annex a certain area to the Town of Castalia.
Referred to **Finance Committee.**

H.B. 664, a bill to provide for conservation, management, enhancement and protection of wildlife species which are endangered, threatened or the subject of special concern.
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 846, a bill to make technical changes in the election laws.
Referred to **Election Laws Committee.**

H.B. 917, a bill making sundry amendments concerning local governments in Orange and Chatham Counties.
Referred to **Finance Committee.**

H.B. 975, a bill to improve the North Carolina Securities Act.
Referred to **Judiciary IV Committee.**

H.B. 1023, a bill providing that the psychologist-client privilege is waived for child abuse reports to the same extent as the physician-patient and husband-wife privileges.
Referred to **Children and Youth Committee.**

H.B. 1025, a bill relating to the power of cities and counties to control rents.
Referred to **Judiciary II Committee.**

H.B. 1071, a bill to provide for standardization of criminal penalties for election law violations.
Referred to **Election Laws Committee.**

H.B. 1099, a bill to assure necessary cooperation from appropriate parties in the verification of disposable income for child support withholding purposes.
Referred to **Children and Youth Committee.**

H.B. 1241, a bill to prevent the discharge of employees because they are called for jury duty.
Referred to **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 306, a bill to provide for the purchase of withdrawn service under the Teacher's and State Employees' Retirement System and the Local Governmental Employees' Retirement System after the completion of five years of creditable service.
Referred to **Pensions and Retirement Committee.**

H.B. 328 (Committee Substitute), a bill to expand the authority of cities and housing authorities to provide housing for persons of low and moderate income.
Referred to **State Government Committee.**

H.B. 604, a bill to amend an act to provide a Supplemental Retirement Fund for firemen in the Town of Tarboro and to modify the application of G.S. 118-5, 118-6, and 118-7 to the Town of Tarboro.
Referred to **Pensions and Retirement Committee.**

H.B. 687, a bill to amend the State Farm Operations Commission Law.
Referred to **Agriculture Committee.**

H.B. 834, a bill to make certain insurance department employees eligible for death benefits while engaged in certain fire and rescue activities.
Referred to **Pensions and Retirement Committee.**

H.B. 938, a bill regarding uninsured motorist coverage claims.
Referred to **Insurance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum, upon second reading.
The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--46.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 455, a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, upon second reading.
Senator Kincaid offers Amendment No. 1, held to be material, which is adopted (electronically recorded), constituting the first reading of the bill, as amended. The bill, as amended, remains on the Calendar for tomorrow for further consideration upon second reading.

H.B. 694, a bill amending the Charter of the City of Durham to permit the sale or other transfer of property subject to certain conditions and restrictions, upon second reading.
The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 738, a bill to authorize Orange County and municipalities in that County to engage in joint planning programs and to enter into annexation agreements, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 848 (Committee Substitute), a bill to exempt the Town of Knightdale from size restrictions on satellite annexations under certain conditions, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 27, a bill to repeal the charter of the Danieltown Volunteer Fire Department, Inc.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 536, a bill to provide for the termination of certain railroad rights of way.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 567, a bill to authorize the Mecklenburg County Board of Commissioners to waive the requirement for bid deposits on bids for equipment and material.

The bill passes its second and third readings and is ordered enrolled.

H.B. 643 (Committee Substitute), a bill to provide for the filing of housing code notices or orders in the notice of *lis pendens* by certain local governments.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 644, a bill to reduce the number of publications required for Charlotte street closing hearings.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted, changing the title upon concurrence to read, **H.B. 644**, a bill to reduce the number of publications required for local street closing hearings.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 659, a bill to permit Cumberland County to use unmarked County vehicles for delivery of certain human services.

The bill passes its second and third readings and is ordered enrolled.

H.B. 665, a bill to amend the Charter of the City of High Point relating to the Mayor Pro Tempore.

The bill passes its second and third readings and is ordered enrolled.

H.B. 690, a bill authorizing the City of Durham to enforce building and housing ordinances in any manner prescribed for the enforcement of general ordinances of the City.

The bill passes its second and third readings and is ordered enrolled.

H.B. 891, a bill to increase the fine for unauthorized parking in a handicapped parking space in Charlotte.

The bill passes its second and third readings and is ordered enrolled.

H.B. 914, a bill enabling the Towns of Boone and Blowing Rock to pass ordinances to require that certain rental residential dwelling units have automatic smoke detectors.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 705, an act requiring the Department of Natural Resources and Community Development to study the feasibility of developing the highlands of the Roan Mountains as a State Park. (Ch. 216)

H.B. 246, an act to increase the population criterion for counties that seek to expand County Commissioners' authority over local boards. (Ch. 217)

H.B. 284, an act to add provisions to the rabies control law concerning possession and sale of rabies vaccine. (Ch. 218)

H.B. 323, an act to require that rabies vaccination clinics be offered at least annually rather than quarterly. (Ch. 219)

H.J.R. 903, a joint resolution honoring the life and memory of Glenn Alexander Morris, former member of the North Carolina General Assembly. (Res. 26)

CALENDAR (Continued)

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, with Amendment No. 1 pending, upon third reading.

Without objection, Senator Swain withdraws Amendment No. 1.

Senator Swain offers Amendment No. 2, held to be material, which is adopted (electronically recorded), constituting the first reading of the bill, as amended. The

bill, as amended, remains on the Calendar for tomorrow for further consideration upon second reading.

S.B. 865, a bill regarding eligibility for transporter plates, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 781, a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 242 (Committee Substitute), a bill to amend the powers and duties of the Board of Medical Examiners.

Without objection, the Chair places the Committee Substitute bill on the Calendar for Thursday, May 21.

S.B. 288 (Committee Substitute), a bill to allow the Secretary of the Department of Human Resources to provide assistance to private nonprofit foundations.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 351 (Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 427, a bill to provide that murder committed while engaged in drug trafficking is an aggravating circumstance in determining whether to impose the death sentence on a convicted defendant.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 482, a bill to eliminate the requirement that the county board of elections must approve the withdrawal of any candidate in a single county election.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 510, a bill to transfer responsibility for licensing and supervision of proprietary schools from the State Board of Education to the State Board of Community Colleges.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 597, a bill to expand the definition of offenses involving impaired driving.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 689, a bill to allow the Supreme Court to designate a commercial publication as the Official Reports of the Appellate Division, or allow a contract for publication of those reports.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 709 (Committee Substitute), a bill making it illegal to harass people taking wildlife or fisheries resources.

On motion of Senator Hardison, consideration of the Committee Substitute bill is postponed until Thursday, May 21.

S.B. 771, a bill to limit the liability of a director of a religious society, a fraternal society or order, or any nonprofit association, organization, or entity.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Daniel offers Amendment No. 2 which is adopted (electronically recorded).

Senator Block offers Amendment No. 3 which he subsequently withdraws.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 775, a bill to permit insurers to have access to the records of the Industrial Commission about employees that they insure.

On motion of Senator Hardison, consideration of the bill is postponed until Monday, May 25.

S.B. 816, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking by permitting the use of electronic surveillance in limited circumstances.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 691, a bill to eliminate statewide standardized testing of children in the first and second grades, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 818 (Committee Substitute), a bill creating a civil cause of action against shoplifters and employees who steal from their employers, as amended, upon third reading.

Senator Swain offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Block offers Amendment No. 4 which is adopted (electronically recorded).

Senator Hardison offers Amendment No. 5 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 6 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 653, a bill to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond.

On motion of Senator Plyler, the bill is taken from the Calendar for Wednesday, May 27, and is placed on the Calendar for Friday, May 22.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

H.B. 632 (Committee Substitute), a bill to prohibit hunting in Anson County without the written permission of the landowner, to regulate deer hunting season in Anson County, to prohibit hunting from the right-of-way of a public road, and to require owner identification on dogs used to hunt deer in Anson County, with a favorable report.

S.B. 528, a bill to increase the penalty for hunting deer with dogs in Wayne County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 528** (Committee Substitute), a bill to regulate hunting with dogs in Wayne County, is placed before the Senate for immediate consideration, and on her further motion, the Committee Substitute bill is adopted.

On motion of Senator Tally, the Committee Substitute bill is placed on the Calendar for Friday, May 22, for further consideration.

EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the 1985 Session of the General Assembly are referred to committee, as follows:

Executive Order Number 48, Amendment to Executive Order Number 43, 'North Carolina Emergency Response Commission.'

Referred to **State Government Committee.**

On motion of Senator Rauch, seconded by Senator Martin of Pitt, the Senate adjourns in honor of the Halifax Resolves and the Mecklenburg Declaration of Independence, to meet tomorrow at 1:30 P.M.

SEVENTY-THIRD DAY

SENATE CHAMBER,
Thursday, May 21, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Randall Lolley, President of Southeastern Baptist Theological Seminary in Wake Forest, as follows:

"Almighty God, our Father, Lord of all who name Thy name in the Earth, we praise Thee present with us this Thursday in May. Thy designs are not always discernible. Thy signature is not always legible in the events of our lives. Yet, our hearts tell us that apart from Thy Spirit even this high Senate event of our devising will be as lifeless as a painted ship on a painted sea. We see collages. We hear calliopes. The days are full of much endeavor. Help us as we struggle for the meaning of it all.

"Convict us of error or laziness where we need it. Take the wind out of our pride. Show us new horizons of public service. Teach us to pray.

"We have some help, O God; help us to find the doors. Protect us from too much safety. Grant us PEACE--not of the graveyard or the stagnant pool, but of deep waters flowing free. Grant us POISE--not of the sheltered tree, but of the great oak, deep-rooted, storm-strengthened and firm. Grant us POWER--not of fisted might, but of the quickened seed straining toward the sun.

"In Christ, we pray. Amen. "

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Hunt of Durham for today.

The President extends courtesies of the floor to James B. Garrison, former Senator from Stanly County.

Senator Swain offers a motion to suspend Rule 41 to the end that bills accepted by bill drafting by 3:00 P.M. Thursday, May 21 may be filed for introduction by 4:00 P.M. May 26, which motion prevails.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 567, an act to authorize the Mecklenburg County Board of Commissioners to waive the requirement for bid deposits on bids for equipment and material. (Ch. 220)

H.B. 643 (Committee Substitute), an act to provide for the filing of housing code notices or orders in the notice of *lis pendens* by certain local governments. (Ch. 221)

H.B. 659, an act to permit Cumberland County to use unmarked County vehicles for delivery of certain human services. (Ch. 222)

H.B. 665, an act to amend the Charter of the City of High Point relating to the Mayor *Pro Tempore*. (Ch. 223)

H.B. 690, an act authorizing the City of Durham to enforce building and housing ordinances in any manner prescribed for the enforcement of general ordinances of the City. (Ch. 224)

H.B. 891, an act to increase the fine for unauthorized parking in a handicapped parking space in Charlotte. (Ch. 225)

H.B. 914, an act enabling the Towns of Boone and Blowing Rock to pass ordinances to require that certain rental residential dwelling units have automatic smoke detectors. (Ch. 226)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **State Personnel Committee**:

S.B. 516, a bill to require the office of State Personnel to provide legal counsel to a State employee who has initiated a grievance proceeding or is preparing to initiate a grievance proceeding unless the employee's claim is determined to be frivolous, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 516** (Committee Substitute), a bill to establish a Pilot Program to provide legal assistance to certain state employees in grievance proceedings, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Taft, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 605, a bill to create a pay policy for State employment under Chapter 126 of the General Statutes and to revise the merit pay system in effect for State employees subject to that Chapter, with an unfavorable report as to bill, but favorable as to Committee Substitute bill

On motion of Senator Taft, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Taft, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 531, a bill to officially establish and provide funds to the State Auditor's Office for the operation of a telephone hotline to receive reports of fraud, waste, and abuse in State government, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 531** (Committee Substitute), a bill to encourage reporting of fraud waste and abuse in State government and endangerment to the public health and safety, and to protect informant State employees from retaliation, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Taft, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 177, a bill to establish a State employee occupational health clinic pilot program, with a favorable report.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee**:

S.B. 792, a bill to authorize all counties, and certain cities to convey property in lieu of appropriating funds, with a favorable report.

H.B. 915, a bill to allow Halifax County to convey at private sale to the Halifax County Humane Society part of the County farm property, with a favorable report.

H.B. 916, a bill to allow Halifax County to convey at private sale to the Roanoke Canal Commission, Inc., certain property donated to it, with a favorable report.

By Senator Swain for the **Judiciary III Committee**:

S.B. 854, a bill to adjust the threshold under the conflictof interest statute, with a favorable report.

S.B. 807, a bill to revise the Outlawry Statute to provide procedures that are constitutionally sufficient, to provide equal protection under the law, and to authorize citizens to arrest felons who are fugitives from justice, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 807** (Committee Substitute), a bill to revise the Outlawry Statute to provide procedures that are constitutionally sufficient, to provide equal protection under the law, and to authorize citizens to arrest certain felons who are fugitives from justice, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Swain, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

By Senator Rand, Vice-Chairman, for Senator Soles for the **Judiciary IV Committee**:

S.B. 521, a bill to specify the protective services that shall be available to abused, neglected, or dependent children and their families, with a favorable report.

On motion of Senator Rand, the bill is re-referred to the **Appropriations Committee**.

S.B. 815, a bill to permit the receipt and expenditure of certain federal funds for law enforcement activities, with a favorable report.

S.B. 692, a bill regarding the adulteration or misbranding of food, drugs, or cosmetics with intent to cause serious injury or death, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 747, a bill to modify the law applicable to limited driving privileges, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Monday, May 25 for further consideration.

By Senator Martin of Pitt for the **Manufacturing and Labor Committee**:

S.B. 835, a bill to amend Chapter 97 "Workers' Compensation Act," with a favorable report.

S.B. 174, a bill to require that one of the three members appointed by the Governor to the North Carolina Industrial Commission represent the employees and one member represent the employers, with an unfavorable report.

By Senator Marvin, Vice-Chairman, for Senator Hunt of Durham for the **Pensions and Retirement Committee:**

S.B. 601, a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee.**

S.B. 711, a bill to permit members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase creditable service for federal employment and public service employment funded by the federal government, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee.**

S.B. 798, a bill to redefine average final compensation and compensation in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee.**

S.B. 799, a bill to provide vesting and disability option technical amendments in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee.**

S.B. 859, a bill to conform the computation of retirement benefits upon subsequent retirement in the Legislative Retirement System and the Consolidated Judicial Retirement System to that found in the other State-administered retirement systems, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee.**

S.B. 860, a bill to provide for payment of retirement benefits for members in the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System who have attained age 70 1/2, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee.**

S.B. 109, a bill to permit pensioners in the Firemen's and Rescue Squad Workers' Pension Fund to perform volunteer duties while receiving a pension, with a favorable report, as amended.

On motion of Senator Marvin, the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 716, a bill to redefine highest annual salary and to reduce the minimum years of service required for a benefit in the Legislative Retirement System pursuant to the Federal Tax Reform Act of 1986, with a favorable report, as amended.

On motion of Senator Marvin, the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Barnes for the **Judiciary I Committee:**

S.B. 182, a bill to increase the maximum fine for violation of ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 182** (Committee Substitute), a bill to increase the maximum fine for violation of local ordinances from fifty dollars to five hundred dollars, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

S.B. 432, a bill to provide for the regulation of the practice of counseling and the licensure of counselors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 647, a bill authorizing counties to establish requirements concerning apartheid in projects financed with public funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 647** (Committee Substitute), a bill authorizing counties, cities, and local boards of education to establish requirements concerning apartheid in projects financed with public funds, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

By Senator Harris for the **Human Resources Committee:**

S.B. 797, a bill to require the release of x-ray films upon proper patient request and to require urinalysis and serologic test results be made available to licensed health care providers by local, district and state health agencies, with a favorable report.

S.B. 754, a bill to give local health directors the authority to impose administrative penalties for violations of local board of health rules, with a favorable report, as amended.

S.B. 323, a bill to change the effective date of the life care center certificate of need modification law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

S.B. 495, a bill to provide assistance dogs for the handicapped, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 495** (Committee Substitute), a bill to

amend the law regarding assistance dogs for the handicapped, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

By Senator Hardison for the **Commerce Committee:**

H.B. 698, a bill to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations, with a favorable report.

By Senator Warren for the **Education Committee:**

S.B. 388, a bill to appropriate funds for preschool screening/evaluation programs, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Appropriations Committee.**

S.B. 673, a bill to allow the Iredell County Board of Commissioners to call an advisory referendum on merger of two or more school administrative units in that County, with a favorable report.

S.B. 694, a bill to prohibit students from standing on school buses, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Appropriations Committee.**

S.B. 814, a bill regarding the use of funds appropriated for vocational education, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler and Conder:

S.B. 972, a bill to appropriate funds for the Hospice of Union County.

Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 973, a bill to appropriate funds for the Winston-Salem Symphony's music education programs and concerts for children.

Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 974, a bill to appropriate funds for the Mauney Memorial Library in Kings Mountain.

Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 975, a bill to appropriate funds to the Town of Lowell for recreation and beautification.

Referred to **Appropriations Committee.**

By Senators Marvin, Rauch, and Harris:

S.B. 976, a bill to appropriate funds to the Hospice of Gastonia.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 977, a bill to appropriate funds for recreation facilities in the City of Cherryville.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 978, a bill to appropriate funds for the Schiele Museum of Natural History and Planetarium.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 979, a bill to appropriate funds to the Town of Dallas to remodel the civic center and the old courthouse.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, Harris:

S.B. 980, a bill to appropriate funds for Cramerton Community Center.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 981, a bill to appropriate funds for a new fire truck for the Cramerton Volunteer Fire Department.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 982, a bill to appropriate funds for the Gaston County Museum of Art and History.
Referred to **Appropriations Committee.**

By Senators Winner, Swain, and Thomas:

S.B. 983, a bill to appropriate funds to the Western North Carolina Public Radio, Inc., for Public Radio Station, WCQS-FM.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 984, a bill to appropriate funds for the Falcon Town Hall.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 985, a bill to appropriate funds for Fayetteville Human Services Programs.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 986, a bill to appropriate funds for sickle cell programs in Cumberland County.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 987, a bill to appropriate funds for Southeastern Cumberland County community programs.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 988, a bill to appropriate funds for the Cape Fear Teen Center.
Referred to **Appropriations Committee.**

By Senator Hunt of Moore:

S.B. 989, a bill to establish the Youth Suicide Study Commission.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Winner:

S.B. 990, a bill to appropriate funds for a legislative fiscal analysis regarding the effect of authorizing North Carolina citizens to file joint tax returns.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 991, a bill to appropriate funds for Waynesborough Park.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 992, a bill to appropriate funds for Greene County education promotion.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore, Plyler, and Walker:

S.B. 993, a bill to appropriate funds for the Carolina Eye Foundation.
Referred to **Appropriations Committee.**

By Senators Smith and Rauch:

S.B. 994, a bill to establish a General Reserve Fund.
Referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 995, a bill to appropriate funds for the Winston-Salem Rescue Squad, Incorporated.
Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 996, a bill to appropriate funds for an indoor pool at Kings Mountain High School.
Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 997, a bill to appropriate funds for the Cleveland County Abuse Prevention Council.
Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 998, a bill to appropriate funds for child abuse prevention services in Cleveland County.
Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 999, a bill to appropriate funds for the Hospice of Cleveland County.
Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 1000, a bill to appropriate funds for the Western Carolina Center.
Referred to **Appropriations Committee.**

By Senators Harris, Marvin, and Rauch:

S.B. 1001, a bill to appropriate funds for a new ambulance for the Kings Mountain Volunteer Rescue Squad.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1002, a bill to appropriate funds for Greene County Industrial Development.
Referred to **Appropriations Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 1003, a bill to appropriate funds to Hospice of Lee County to expand its services offered for the terminally ill.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1004, a bill to appropriate funds for the Delta Arts Center.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1005, a bill to appropriate funds to the Little Theatre of Winston-Salem, Incorporated, for operating expense.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1006, a bill to appropriate funds for the Winston-Salem County Council on the Status of Women, Inc.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1007, a bill to appropriate funds to the Arts Council, Inc., of Winston-Salem.
Referred to **Appropriations Committee.**

By Senator Ward:

S.B. 1008, a bill to appropriate funds to supplement current operations in Community College System.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1009, a bill to appropriate funds to provide for the production of braille, large print, and audio-cassette tape copies of textbooks for exceptional children.
Referred to **Appropriations Committee.**

By Senators Richardson, Johnson of Cabarrus, and McDuffie:

S.B. 1010, a bill to appropriate funds to underwrite the cost of tickets for North Carolina school children to visit the Ramses exhibition in Charlotte.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1011, a bill to appropriate funds for renovations and an addition to the Kellogg Conference Center at UNC–Asheville.
Referred to **Appropriations Committee.**

By Senators Goldston and Thomas:

S.B. 1012, a bill to authorize Legislative Research Commission to study maintenance of State buildings and to appropriate funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Warren:

S.B. 1013, a bill to appropriate funds for the Micro Community Building.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1014, a bill to appropriate funds for Johnston County Road Sign Project.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1015, a bill to appropriate funds for capital improvements at Sampson Technical College.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1016, a bill to appropriate funds for marketing of sweet potatoes.
Referred to **Appropriations Committee.**

By Senators Rand and Plyler:

S.B. 1017, a bill to appropriate funds for landscape work at the North Carolina Museum of Art.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1018, a bill to permit the Department of Human Resources to accept certain grants.
Referred to **Appropriations Committee.**

By Senators Rand and Tally:

S.B. 1019, a bill to appropriate funds for the celebration of the Bicentennial of the Constitution in Fayetteville.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1020, a bill to appropriate funds for the North Carolina Women's Resource Center.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1021, a bill to redefine the term "regional institution" in the community college law and to appropriate funds for additional regional institutions.
Referred to **Higher Education Committee.**

By Senators Winner and Swain:

S.B. 1022, a bill to appropriate funds for the Asheville Community Theatre.
Referred to **Appropriations Committee.**

By Senators Winner and Swain:

S.B. 1023, a bill to appropriate funds for the Opportunity Corporation of Madison and Buncombe Counties.
Referred to **Appropriations Committee.**

By Senators Winner and Swain:

S.B. 1024, a bill to appropriate funds for the Jewish Studies Center at U.N.C.-Asheville.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1025, a bill to appropriate funds for the Gaston Battered Spouse Shelter.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1026, a bill to appropriate funds for a memorial park for the battle of Ramsuer's Mill.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1027, a bill to appropriate funds for the P.A.T.H., Inc., domestic violence program.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 1028, a bill to appropriate funds for the Orange Street School Cultural and Civic Facility.
Referred to **Appropriations Committee.**

By Senators Plyler, Barker, Barnes, Basnight, Block, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, and Ward:

S.B. 1029, a bill to appropriate funds for a State/Regional performing arts center in Charlotte.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 111, a bill to increase judicial discretion in decisions affecting pretrial release.
Referred to **Judiciary III Committee.**

H.B. 226 (Committee Substitute), a bill to prohibit interference with civil rights.
Referred to **Judiciary I Committee.**

H.B. 285 (Committee Substitute), a bill to require hospitals to establish protocols for organ procurement.
Referred to **Human Resources Committee.**

H.B. 479, a bill to clarify that for recurring tax purposes there is a conclusive presumption that property involved in the prior transfer, or its equivalent value, is a part of the present decedent's estate.
Referred to **Finance Committee.**

H.B. 657, a bill to provide for standards for financial guaranty insurance.
Referred to **Insurance Committee.**

H.B. 707, a bill to increase the maximum fine for a violation of Onslow County ordinances.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 898, a bill to provide that a principal on a bail bond has sixty days to appear before the court to satisfy the court as to his reasons for noncompliance with the bond conditions.
Referred to **Judiciary IV Committee.**

H.B. 969, a bill to clarify the procedure for correcting errors in recorded instruments.
Referred to **Judiciary IV Committee.**

H.B. 1017, a bill to increase the penalty for unauthorized removal of forest products from game lands.
Referred to **Natural and Economic Resources and Wildlife Committee.**

S.B. 736 (Committee Substitute), a bill to provide for four-year terms for members of the Board of Governors of the University of North Carolina, and beginning in 1989 providing that no member may be re-elected to that Board after 12 consecutive years of service, for concurrence in House Amendment No. 1.
On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.
On motion of Senator Royall, the Senate concurs in the House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

H.B. 625, a bill to amend Chapter III of the Charter of the City of High Point relating to police pensions.
Referred to **Pensions and Retirement Committee.**

H.B. 684, a bill to amend the Cary Charter concerning development or facility fees for road projects.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 736, a bill to make technical corrections and clarify the powers and duties of the North Carolina Manufactured Housing Board and the Commissioner of Insurance.
Referred to **Insurance Committee.**

H.B. 851, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

H.B. 1070, a bill to require the prompt return of ballot boxes.
Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 694, a bill amending the Charter of the City of Durham to permit the sale or other transfer of property subject to certain conditions and restrictions, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 738, a bill to authorize Orange County and municipalities in that County to engage in joint planning programs and to enter into annexation agreements, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 848 (Committee Substitute), a bill to exempt the Town of Knightdale from size restrictions on satellite annexations under certain conditions, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: Senator Sands--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 455, a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: Senator Sands--1.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 529, a bill to permit the City of Winston-Salem to collect a motor vehicle tax of not more than twenty dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--40.

Voting in the negative: Senators Royall and Sands--2.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 458 (Committee Substitute), a bill to require the Town of Bridgeton to distribute part of its local sales tax proceeds to the First Craven Sanitary District.

Without objection, on motion of Senator Barker, the Committee Substitute bill is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

H.B. 510, a bill concerning intensive remedial summer school programs and related transportation in the local school administrative units, with a favorable report.

On motion of Senator Warren, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 123, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for concurrence upon third reading.

H.B. 722, a bill to exempt the Town of Grifton from certain zoning notice requirements.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 630, a bill to amend Chapter 745 of the 1965 Session Laws as it pertains to the redistribution of ABC profits for the Town of Blowing Rock.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 632 (Committee Substitute), a bill to prohibit hunting in Anson County without the written permission of the landowner, to regulate deer hunting season in Anson County, to prohibit hunting from the right-of-way of a public road, and to require owner identification on dogs used to hunt deer in Anson County.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1168, a bill to clarify the legal sale hours of wholesale commercial permitees.

On motion of Senator Seymour, the bill is recommitted to the **Alcoholic Beverage Control Committee**.

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, upon second reading.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 411, a bill increasing the interest to be paid on partial license fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Ward, Warren, and Winner--38.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 207, a bill to create specialized registration plates for members of the Coast Guard Auxiliary, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes, 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 781, a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, and Ward--39.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

May 21, 1987

S.B. 242 (Committee Substitute), a bill to amend the powers and duties of the Board of Medical Examiners.

On motion of Senator Sherron, consideration of the Committee Substitute bill is postponed until tomorrow, May 22.

S.B. 367 (Committee Substitute), a bill to strengthen the standards regarding removal of children from their homes and to make other changes in the Juvenile Code.

Senator Marvin submits the fiscal note requested on May 19 and on her motion the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 401, a bill to authorize the Department of Transportation to participate in engineering and construction contracts with private developers for proposed state highways.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 405, a bill to exempt county-owned vehicles used primarily for transportation of clients of local health departments, county departments of social services or area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 462 (Committee Substitute), a bill to provide for standards for long-term care insurance.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 394, a bill to provide for specialized plates for Pearl Harbor survivors.

Senator Martin of Pitt offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 506, a bill to make various changes in the law relating to registers of deeds, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection sent to the House of Representatives by special messenger.

S.B. 513 (Committee Substitute), a bill to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 535, a bill to amend the fee schedule for hazardous waste facilities.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 543, a bill to exempt highway construction diaries from the public records statute.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 544, a bill to authorize the DOT to exchange uneconomic remnants created by highway construction.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 593, a bill to clarify a sheriff's personal liability for the acts of his deputy.

On motion of Senator Rand, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 607, a bill to modify and expand the distribution by the Office of Administration Hearings of the North Carolina register and other documents.

Senator Warren offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 782, a bill to increase the allowable axle weights for certain vehicles.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 783, a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina".

On motion of Senator Warren, consideration of the bill is postponed until tomorrow, May 22.

S.B. 656, a bill to extend the expiration for the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 682, a bill to increase the maximum fee the Board of Examiners in psychology may require for examinations under the Practicing Psychologists' Licensing Act.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 696 (Committee Substitute), a bill to require all further proposals for Municipal Incorporation to be reviewed by the Joint Legislative Commission on Municipal Incorporations.

The Committee Substitute bill passes its second reading (electronically recorded).

On motion of Senator Ezzell, further consideration of the Committee Substitute bill is postponed until Monday, May 25.

S.B. 709 (Committee Substitute), a bill making it illegal to harass people taking wildlife or fisheries resources.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Martin of Guilford objects to third reading, which objection he subsequently withdraws and Senator Block objects to third reading.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 721, a bill to increase certain restrictions on outdoor advertising along the interstate highways and federal-aid primary highways.

Senator Goldston moves the adoption of Committee Amendment No. 1, which Amendment fails of adoption.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 768, a bill to provide for policies of windstorm and hail insurance to be available through the Beach Plan.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 769, a bill to extend the sunset on the Department of Transportation's authority to allow excess weight vehicles on the interstates.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 777 (Committee Substitute), a bill to strengthen joint custody where custody of children is at issue.

On motion of Senator Winner (electronically recorded), the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

S.B. 808, a bill to provide that tobacco products may not be sold to minors that minors may not use tobacco products on school premises.

On motion of Senator Conder, Committee Amendment No. 1 is adopted.

Senator Barker offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Kaplan to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 850, a bill to expand the criminal law prohibiting animal fighting and to raise the penalty for violations.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Thomas to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 862 (Committee Substitute), a bill to provide reasonable regulation of Preferred Provider contracts for health services.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 879, a bill to protect the rights of sales representatives to post-terminations sales commissions.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

On motion of Senator Rand, the bill, as amended, is recommitted to the **Judiciary I Committee**.

H.B. 218, a bill to allow the disposition of certain properties held in the Executive Mansion.

The bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 524, a bill to more explicitly authorize true-ups of prudently incurred fuel costs in electric utility ratemaking, as amended, upon third reading.

Senator Johnson of Wake submits the fiscal note requested on May 19.

Senator Johnson of Wake calls the previous question, seconded by Senator Hardison. The call is not sustained (electronically recorded).

Senator Hipps offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Hardison calls the previous question, seconded by Senator Rauch. The call is sustained.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 771, a bill to limit the liability of a director of a religious society, a fraternal society or order, or any nonprofit association, organization, or entity, as amended, upon third reading.

Senator Block offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 137 House of Representatives
May 21, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H.B. 137** (Committee Substitute), a bill to amend the Statutes relating to professional bail bondsmen and runners, and requests conferees. The Speaker has appointed Representatives Bowman, Payne, and Anderson of the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Sands moves that the President appoint conferees, which motion prevails. The President appoints Senators Swain, Sands, and Daniel as conferees on the part of the Senate to resolve the differences arising between the two bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

S.B. 71, a bill to direct local school systems to either use textbook damage fees to rebind damaged textbooks or remit the funds to the State Board of Education, with a favorable report.

S.B. 369, a bill to allow for a system of differentiated pay for certified public school employees in selected local school districts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

S.B. 621, a bill to merge all of the school administrative units in Robeson County, subject to a referendum, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 25.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 101, a bill to amend the Business Corporation Act to provide reasonable guidelines for indemnification and liability for directors as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 101** (Committee Substitute), a bill to amend the Business Corporation Act to permit corporations to limit or eliminate the liability of directors for monetary damages for certain breaches of duty, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 25, for further consideration.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

S.B. 749, a bill to establish a Recreation and Natural Heritage Trust Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted and on her further motion is re-referred to the **Appropriations Committee**.

On motion of Senator Harrington, seconded by Senator Basnight, the Senate adjourns to meet tomorrow at 10:00 A.M.

SEVENTY-FOURTH DAY

SENATE CHAMBER,
Friday, May 22, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend C. Vernon Tyson, Minister of Edenton Street United Methodist Church, Raleigh.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Hunt of Durham, Staton, Johnson of Cabarrus, and to Senator Royall, who is attending a meeting of the Southern Legislative Conference Executive Committee in Atlanta, Georgia.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

S.B. 1030, a bill to appropriate funds for Hudson Prison Chapel.
Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 1031, a bill to appropriate funds for the Caldwell Half-Way House Alcoholic Treatment Center.
Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 1032, a bill to appropriate funds for the Caldwell Senior Center funds.
Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 1033, a bill to appropriate funds for historic preservation.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1034, a bill to appropriate funds to the Marion Airport Commission for needed equipment and capital improvements.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1035, a bill to appropriate funds for a Museum of North Carolina Traditional Pottery.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1036, a bill to appropriate funds for the Rutherford County Arts Council.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1037, a bill to appropriate funds to the Cleveland County Arts Council.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1038, a bill to appropriate funds for the Lincoln Cultural Development Center Building Renovation Fund.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1039, a bill to appropriate funds for a new roof for the Rutherford Vocational Workshop.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1040, a bill to appropriate funds to the Genealogical Society of Old Tryon County.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1041, a bill to appropriate funds for Schiele Museum Renovations.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1042, a bill to appropriate funds for a country village at the Tobacco Museum of North Carolina.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1043, a bill to appropriate funds for the Clinton-Sampson Agri-Civic Center.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1044, a bill to appropriate funds for the James A. Ezzell, Sr., Outreach Center's day care program.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1045, a bill to appropriate funds for renovations to the Sampson Community Theater.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1046, a bill to appropriate funds for the Benson Centennial Museum.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1047, a bill to appropriate funds for Sampson County Schools arts enrichment programs.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1048, a bill to appropriate funds for air conditioning the Clinton City Schools middle school auditorium.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1049, a bill to appropriate funds for access for the handicapped at Wade H. Atkinson Memorial Library and Community Building.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1050, a bill to appropriate funds for Randolph Hospice.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1051, a bill to appropriate funds for the Chapel Hill/Carrboro Shelter Project.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1052, a bill to appropriate funds for family crisis services.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1053, a bill to appropriate funds for the renovation of the Historic Chatham County Courthouse.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1054, a bill to appropriate funds for developmentally disabled adults.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1055, a bill to appropriate funds for senior citizen's programs in Orange and Chatham Counties.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1056, a bill to amend the certificate of need law to simplify the review process and to appropriate funds for health systems agencies.
Referred to **Appropriations Committee.**

By Senators Rand and Tally:

S.B. 1057, a bill to appropriate funds to construct a work release center in Cumberland County.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1058, a bill to appropriate funds for the Schiele Museum's archeological survey and summer school institute.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1059, a bill to appropriate funds for transportation services for the Gaston-Lincoln Adult Developmental Activities Program.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1060, a bill to appropriate funds for the Lincoln Arts Council.
Referred to **Appropriations Committee.**

By Senators Marvin, Harris, and Rauch:

S.B. 1061, a bill to appropriate funds for the Odyssey of the Mind Program of the Gaston County Schools.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1062, a bill to appropriate funds for the Jordan Estates water system.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1063, a bill to appropriate funds to restore the Old Martin County Courthouse.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1064, a bill to appropriate funds for refurbishing and restoring the Flynn Christian Fellowship Houses of Asheville, North Carolina.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 185 (Committee Substitute), a bill to require the North Carolina Medical Care Commission to study the safety of helicopter ambulances and report to the General Assembly.
Referred to **Human Resources Committee.**

H.B. 478, a bill to clarify the gift tax effect of lapsed general powers of appointment.
Referred to **Judiciary I Committee.**

H.B. 695 (Committee Substitute), a bill to amend the statute requiring the destruction of hypodermic needles.
Referred to **Human Resources Committee.**

H.B. 699 (Committee Substitute), a bill to amend G.S. 24-10.1 dealing with late fees.
Referred to **Commerce Committee.**

H.B. 724 (Committee Substitute), a bill to authorize establishment of Community College System Foundations.
Referred to **Higher Education Committee.**

H.B. 922, a bill to amend the Charter of the City of Durham with respect to exemptions from fair housing ordinance.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 924, a bill amending the Charter of the City of Durham concerning the removal of abandoned or junked motor vehicles from private property.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 926, a bill amending the City Charter of the City of Durham with respect to urban development projects.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 994, a bill to amend G.S. 159-65 of the Local Government Bond Act in connection with the issuance of bonds the interest on which is or may be includable in gross income for purposes of federal income tax.
Referred to **Finance Committee.**

H.B. 995, a bill confirming the right of the State, the University of North Carolina and local governmental units and any agency or instrumentality thereof to issue bonds or other obligations the interest on which is or may be subject to federal income taxation.
Referred to **Finance Committee.**

H.B. 1013 (Committee Substitute), a bill to require round by round scoring in boxing in Lincoln County.

Referred to **Judiciary III Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hipps for the **Constitution Committee:**

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition, with a favorable report.

By Senator Rauch for the **Finance Committee:**

S.B. 249, a bill to amend the special education hearings process, with a favorable report.

S.B. 626, a bill to permit Mecklenburg County to levy an excise tax on instruments conveying real property in Mecklenburg County, with a favorable report.

By Senator Conder for the **Children and Youth Committee:**

S.B. 871, a bill to create an Adoptions and Surrogate Parenthood Study Commission, with a favorable report.

On motion of Senator Conder, the bill is re-referred to the **Rules and Operation of the Senate Committee.**

S.B. 838, a bill to permit disclosure of information concerning adoptees and their biological relatives, with a favorable report, as amended.

S.B. 312, a bill to establish an Early Educational Program for four-year-olds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 312** (Committee Substitute), a bill to create an Early Educational Program Study Commission, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Conder, the Committee Substitute bill is re-referred to the **Rules and Operation of the Senate Committee.**

By Senator Soles for the **Judiciary IV Committee:**

S.B. 451, a bill to provide that the North Carolina Supreme Court may not consider in its review of a death penalty case whether the sentence imposed is disproportionate to the penalty imposed in similar cases, with a favorable report.

S.B. 774, a bill to provide that a person who operates a motorboat gives implied consent to a chemical analysis if charged with an alcohol-related offense and to provide that the results of a chemical analysis are admissible as evidence in a civil or criminal case, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 774** (Committee Substitute), a bill to provide that a person who operates a motorboat or motor vessel gives implied consent to a chemical analysis if charged with an alcohol-related offense and to provide that the

results of a chemical analysis or the fact of refusal to take the test are admissible as evidence in a civil or criminal proceeding, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--40.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 455, a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, as amended, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--40.

Voting in the negative: None.

The bill is ordered engrossed and sent to the House of Representatives.

S.B. 529, a bill to permit the City of Winston-Salem to collect a motor vehicle tax of not more than twenty dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--40.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 653, a bill to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond, upon second reading

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--38.

Voting in the negative: None.

The bill remains on the Calendar for Monday for further consideration upon third reading.

S.B. 528 (Committee Substitute), a bill to regulate hunting with dogs in Wayne County.

The Committee Substitute bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 673, a bill to allow the Iredell County Board of Commissioners to call an advisory referendum on merger of two or more school administrative units in that County.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 915, a bill to allow Halifax County to convey at private sale to the Halifax County Humane Society part of the County farm property.

The bill passes its second and third readings and is ordered enrolled.

H.B. 916, a bill to allow Halifax County to convey at private sale to the Roanoke Canal Commission, Inc., certain property donated to it.

The bill passes its second and third readings and is ordered enrolled.

S.B. 123, a bill to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts, upon third reading, for concurrence in House Amendment No. 1.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, as amended, upon third reading.

The bill, as amended, passes its second and third readings by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 318, a bill to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin,

Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 411, a bill increasing the interest to be paid on partial license fees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 207, a bill to create specialized registration plates for members of the Coast Guard Auxiliary, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

S.B. 669 (Committee Substitute), a bill to clarify the State Tort Claims Act and related Statutes, to improve the administration of the Act, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 25, for further consideration upon third reading.

S.B. 756 (Committee Substitute), a bill to restrict the use of special provisions in appropriations bills, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senator Swain--1.

The Committee Substitute bill remains on the Calendar for Monday, May 25, for further consideration upon third reading.

S.B. 835, a bill to amend Chapter 97 "Workers' Compensation Act," upon second reading.

On motion of Senator Johnson of Wake, consideration of the bill is postponed until Monday, May 25.

S.B. 71, a bill to direct local school systems to either use textbook damage fees to rebind damaged textbooks or remit the funds to the State Board of Education.

On motion of Senator Kincaid, consideration of the bill is postponed until Monday, May 25.

S.B. 177, a bill to establish a State employee occupational health clinic pilot program.

On motion of Senator Johnson of Wake, consideration of the bill is postponed until Monday, May 25.

S.B. 242 (Committee Substitute), a bill to amend the powers and duties of the Board of Medical Examiners.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for Monday, May 25, for further consideration.

S.B. 329 (Committee Substitute), a bill to repeal the prohibition against offering credit insurance through credit card facilities and to authorize insurance coverage of credit card indebtedness.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Kaplan objects to the third reading of the Committee Substitute bill which objection he subsequently withdraws.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 756 (Committee Substitute), a bill to restrict the use of special provisions in appropriations bills, is withdrawn from the Calendar of Monday, May 25, without objection, and placed before the Senate upon third reading.

The Chair declares the Committee Substitute bill removes the proposal to amend the Constitution and further declares the Committee Substitute bill does not require a call of the roll.

Senator Swain objects to the third reading of the Committee Substitute bill and the bill remains on the Calendar for Monday, May 25, for further consideration.

S.B. 337 (Committee Substitute), a bill to provide a procedure for filing certification when no inheritance tax return is required.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 409 (Committee Substitute), a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Sands to its third reading, the Committee Substitute bill remains on the Calendar for Monday, May 25, for further consideration.

S.B. 512 (Committee Substitute), a bill to provide for the registration and regulation of third party administrators.

Senator Parnell offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 711, a bill to permit members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase creditable service for federal employment and public service employment funded by the federal government.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 754, a bill to give local health directors the authority to impose administrative penalties for violations of local board of health rules.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

On motion of Senator Harris, the bill, as amended, is recommitted to the **Human Resources Committee**.

WITHDRAWAL FROM CALENDAR

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition.

On motion of Senator Hipps, the bill is taken from the Calendar for Monday, May 25, and recommitted to the **Constitution Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

S.B. 188, a bill to require high school age children to pass in school to be eligible for drivers licenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Warren, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

CALENDAR (Continued)

S.B. 759 (Committee Substitute No. 2), a bill to authorize the formation of multiple employer trusts to provide health insurance.

Senator Plyler, Chairman of the **Appropriations Committee**, requests a fiscal note.

The Chair places the Committee Substitute bill No. 2 on the Calendar for Tuesday, May 26, for receipt of a fiscal note.

S.B. 783, a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina".

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Warren offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

The Chair declares the Senate in recess until 12:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the Environment Committee:

S.B. 226, a bill to establish the Underground Storage Tank Remedial Action Fund, with a favorable report.

On motion of Senator Winner, the bill is re-referred to the Appropriations Committee.

S.B. 762, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located, by the Commission for Health Services, and by the Environmental Management Commission before approval of a permit by the Department of Human Resources can be given, with a favorable report, as amended.

S.B. 389, a bill to authorize the regulation of the operation of wells by bringing the operation of wells within the purview of the Well Construction Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 389** (Committee Substitute), a bill to authorize the regulation of the operation of water wells and well systems with a designed capacity of 100,000 gallons per day or greater by bringing the operation of such wells within the purview of the Well Construction Act, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

S.B. 796, a bill to amend the Clean Detergent Act to provide an exemption for the laundering of uniforms, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 796** (Committee Substitute), a bill to amend the Clean Detergent Act to provide exemptions for commercial laundry service for funeral homes and for the laundering of uniforms, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

S.B. 48, a bill to prohibit shallow land burial of radioactive waste and to require engineered barriers at any near-surface disposal facility, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 48** (Committee Substitute), a bill to prohibit shallow land burial of low-level radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

S.J.R. 522, a joint resolution honoring the centennial of the Town of Southern Pines and the memory of its founders, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read, **S.J.R. 522** (Committee Substitute), a joint resolution honoring the memory of John T. Patrick, founder of the Town of Southern Pines, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute joint resolution is adopted.

On motion of Senator Harrington, the Committee Substitute joint resolution is placed on the Calendar for Monday, May 25, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 433, an act to modify the North Carolina State Education Assistance Authority. (Ch. 227)

S.B. 736 (Committee Substitute), an act to provide for four-year terms for members of the Board of Governors of the University of North Carolina, and beginning in 1989 providing that no member may be re-elected to that Board after 12 consecutive years of service. (Ch. 228)

H.B. 510, an act concerning intensive remedial summer school programs and related transportation in the local school administrative units. (Ch. 229)

H.B. 630, an act to amend Chapter 745 of the 1965 Session Laws as it pertains to the redistribution of ABC profits for the Town of Blowing Rock. (Ch. 230)

H.B. 632 (Committee Substitute), an act to prohibit hunting in Anson County without the written permission of the landowner, to regulate deer hunting season in Anson County, to prohibit hunting from the right-of-way of a public road, and to require owner identification on dogs used to hunt deer in Anson County. (Ch. 231)

H.B. 694, an act amending the Charter of the City of Durham to permit the sale or other transfer of property subject to certain conditions and restrictions. (Ch. 232)

H.B. 738, an act to authorize Orange County and municipalities in that County to engage in joint planning programs and to enter into annexation agreements. (Ch. 233)

H.B. 848 (Committee Substitute), an act to exempt the Town of Knightdale from size restrictions on satellite annexations under certain conditions. (Ch. 234)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Environment Committee:**

S.B. 840, a bill to provide for increased involvement in water testing and analysis by private commercial laboratories, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 792, a bill to authorize all counties, and certain cities to convey property in lieu of appropriating funds.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Pitt for the **Manufacturing and Labor Committee**:

S.B. 172, a bill to amend the Workers' Compensation Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Pitt, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Martin of Pitt, the Committee Substitute bill is placed on the Calendar for Monday, May 25, for further consideration.

CALENDAR (Continued)

S.B. 797, a bill to require the release of x-ray films upon proper patient request and to require urinalysis and serologic test results be made available to licensed health care providers by local, district and state health agencies.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 815, a bill to permit the receipt and expenditure of certain federal funds for law enforcement activities.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 854, a bill to adjust the threshold under the conflict of interest statute.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 698, a bill to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 543, a bill to exempt highway construction diaries from the public records statute, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 696 (Committee Substitute), a bill to require all further proposals for Municipal Incorporation to be reviewed by the Joint Legislative Commission on Municipal Incorporations.

On motion of Senator Barnes, the Committee Substitute bill is taken from the Calendar for Monday, May 25, and is placed on the Calendar for Tuesday, May 26.

CALENDAR (Continued)

S.B. 709 (Committee Substitute), a bill making it illegal to harass people taking wildlife or fisheries resources, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 808, a bill to provide that tobacco products may not be sold to minors that minors may not use tobacco products on school premises, as amended, upon third reading.

On motion of Senator Thomas, consideration of the bill, as amended, is postponed until Tuesday, May 26.

S.B. 850, a bill to expand the criminal law prohibiting animal fighting and to raise the penalty for violations, as amended, upon third reading.

The bill, as amended, fails to pass its third reading (electronically recorded).

Senator Swain, seconded by Senator Hardison, moves that the vote by which the bill, as amended, failed to pass its third reading be reconsidered and that that motion do lie upon the table, which motion prevails (electronically recorded). The motion to reconsider the vote by which the bill, as amended, failed to pass its third reading lies upon the table.

H.B. 218, a bill to allow the disposition of certain properties held in the Executive Mansion, upon third reading.

On motion of Senator Johnson of Wake, consideration of the bill is postponed until Friday, May 29.

RE-REFERRAL

S.B. 777 (Committee Substitute), a bill to strengthen joint custody where custody of children is at issue.

On motion of Senator Swain, the rules are suspended, and the Committee Substitute bill is taken from the **Judiciary I Committee** and is re-referred to the **Judiciary III Committee.**

WITHDRAWAL FROM CALENDAR

S.B. 409 (Committee Substitute), a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law.

On motion of Senator Swain, the Committee Substitute bill is taken from the Calendar for Monday, May 25 and re-referred to the **Judiciary III Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

S.B. 662, a bill to modify the provisions for leave time and workweeks of Occupational Education Teachers, with a favorable report, as amended.

S.B. 672, a bill to provide for the nonpartisan election of the Iredell County Board of Education at the time of the general election, to expand the Board from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners, with a favorable report, as amended.

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet Monday at 7:00 P.M.

SEVENTY-FIFTH DAY

SENATE CHAMBER,
Monday, May 25, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Johnson of Cabarrus for tonight.

Senator Harrington presides over a portion of tonight's Session.

Senator Royall offers a motion that the rules be suspended to allow Dr. Leroy Walker and Mr. Hill Carrow of the North Carolina Amateur Sports Association to approach the Well of the Senate to make a presentation on behalf of the United States Olympic Festival, which motion prevails.

The President appoints Senator Royall and Senator Staton to escort the gentlemen to the Well of the Senate, where they briefly address the membership and present an Olympic Torch to the President of the Senate, who accepts on behalf of the Senate. (See Appendix)

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 123, an act to provide additional procedures for Caldwell and Chatham Counties to increase the size of fire tax districts. (Ch. 235)

S.B. 642, an act to provide for the election of the Wilson County Board of Education from seven single-member districts, as provided by court order. (Ch. 236)

H.B. 698, an act to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations. (Ch. 237)

H.B. 915, an act to allow Halifax County to convey at private sale to the Halifax County Humane Society part of the County farm property. (Ch. 238)

H.B. 916, an act to allow Halifax County to convey at private sale to the Roanoke Canal Commission, Inc., certain property donated to it. (Ch. 239)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee:**

S.B. 563, a bill to amend the community work experience program to change limitations on time spent at a worksite, with a favorable report, as amended.

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles, with a favorable report, as amended.

S.B. 841, a bill to adapt the Mental Health Admissions law to permit emergency admissions for persons needing immediate hospitalization, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

S.B. 849, a bill to allow disbursement of Social Services' compensation for injured parties and for attorney's fees from collected insurance proceeds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 849** (Committee Substitute), a bill to amend the law regarding Social Services subrogation and disbursement, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 857, a bill to establish eighteen full-time equivalent long-term care ombudsmen positions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 857** (Committee Substitute), a bill to authorize the Legislative Research Commission to study the long-term care ombudsmen program, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Parnell for the **Insurance Committee:**

S.B. 631, a bill to amend the insurance provisions of the Amusement Device Safety Act, with a favorable report, as amended.

S.B. 833, a bill to change the standard fire insurance policy to provide for the production of only those business records related to the insured property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 833** (Committee Substitute), a bill to require disclosure of information to an insurance company when arson is suspected, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler and Walker:

S.B. 1065, a bill to appropriate funds for environmental health programs and services.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1066, a bill to appropriate funds for the Weymouth Woods Nature Preserve and Museum.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1067, a bill to appropriate funds for the Malcolm Blue Historical Society.
Referred to **Appropriations Committee.**

By Senator Johnson of Wake:

S.B. 1068, a bill to create a study commission on hunter safety and outdoor ethics, and to provide funds for its activities.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Parnell:

S.B. 1069, a bill to appropriate funds to the Department of Correction for an on-campus prerelease program to serve medium custody inmates at six units in the prison system.
Referred to **Appropriations Committee.**

By Senator Hipps:

S.B. 1070, a bill to rewrite laws relating to North Carolina's Land Records Management Program, to repeal the sunset provision to terminate the Program and to appropriate funds to expand the Program and purchase a global positioning system to enhance the Program.
Referred to **Local Government and Regional Affairs I Committee.**

By Senator Rand:

S.B. 1071, a bill to appropriate funds to raise the State salary allotments for school psychologists two pay levels.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1072, a bill to appropriate funds to the Town of Hamilton for a recreation center.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1073, a bill to appropriate funds to the Gallery Theatre, to complete air conditioning the theatre.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1074, a bill to appropriate funds to the Murfreesboro Historical Association for capital improvements to the Hertford Academy for the Arts.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore, Allran, Ezzell, Kincaid, Seymour, and Walker:

S.B. 1075, a bill to grant subrogation rights and penalties for withholding information to the Department of Human Resources, Division of Vocational Rehabilitation.
The Chair orders the bill held as filed, pursuant to Rule 41.

By Senators Hunt of Moore and Walker:

S.B. 1076, a bill to appropriate funds for Orange, Person, and Chatham County day care serving emotionally disturbed pre-schoolers.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1077, a bill to appropriate funds for the Child Care Network.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1078, a bill to appropriate funds for the Orange Arts Center.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1079, a bill to appropriate funds for the Moore County natural areas inventory.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1080, a bill to appropriate funds for the Sir Walter Raleigh Historical Garden.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1081, a bill to appropriate funds for the Moore County performing arts.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1082, a bill to appropriate funds for the Moore County In-Home Respite Care Program.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1083, a bill to provide for the relocation and care of those abandoned cemeteries selected for relocation by the Archeology and Historic Preservation Section of the Department of Cultural Resources.
Referred to **State Government Committee.**

By Senator Taft:

S.B. 1084, a bill to appropriate funds for a classroom building at Pitt Community College.
Referred to **Appropriations Committee.**

By Senators Marvin, Swain, Parnell, Daniel, and Johnson of Wake:

S.J.R. 1085, a joint resolution authorizing the Legislative Research Commission to study the issue of the economics of leasing State office space in the Raleigh area.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Marvin, Swain, Parnell, Daniel, and Johnson of Wake:

S.B. 1086, a bill to increase certain court costs in the General Court of Justice.
The Chair orders the bill held as filed, pursuant to Rule 41.

By Senator Harrington:

S.B. 1087, a bill to the Town of Scotland Neck to renovate a gymnasium for use as a recreation center.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1088, a bill to appropriate funds for the Orange County Sheltered Workshop.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1089, a bill to appropriate funds for the Orange County Public Library's automation project.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1090, a bill to appropriate funds for Sandhills Hospice.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1091, a bill to appropriate funds for the Bethel Library.
Referred to **Appropriations Committee.**

By Senators Swain, Winner, Thomas, Hipps, and Marvin:

S.B. 1092, a bill to appropriate funds for a Drug Residential Program in Buncombe County.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1093, a bill to appropriate funds for Town improvements for Turkey.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1094, a bill to appropriate funds to the County of Johnston for a garage for the County foam truck.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 100 (Committee Substitute), a bill to make certain changes in the distributive award of vested pension and retirement benefits.
Referred to **Pensions and Retirement Committee.**

H.B. 370, a bill to clarify the law that applies to the exemption of farm vehicles from the motor vehicle registration provisions.
Referred to **Transportation Committee.**

H.B. 430 (Committee Substitute), a bill to apply certain motor vehicle laws on the State parks and forests road system.
Referred to **Judiciary I Committee.**

H.B. 458 (Committee Substitute), a bill to amend the communicable disease law.
Referred to **Human Resources Committee.**

H.B. 579 (Committee Substitute), a bill to provide that counties may by resolution deem the creation of a self-funded risk program as the purchase of insurance for the purpose of waiving the defense of governmental immunity.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 639, a bill to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders.
Referred to **Judiciary II Committee.**

H.B. 654, a bill to extend the terms of office of trustees in the community college system and to provide for staggered terms of appointments.
Referred to **Higher Education Committee.**

H.B. 666, a bill to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases.
Referred to **Education Committee.**

H.B. 683, a bill to improve the solvency protection of health maintenance organizations.
Referred to **Insurance Committee.**

H.B. 691, a bill to amend the Charter of the City of Durham concerning the procedure for removing the mayor and members of the City Council from office.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 696 (Committee Substitute), a bill to expand the Anson County Board of Commissioners from five to seven members, and provide for their nomination and election from districts.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 753 (Committee Substitute), a bill to authorize Lee County to levy a room occupancy tax.
Referred to **Finance Committee.**

H.B. 804 (Committee Substitute), a bill to clarify the property requirements for probate by affidavit of small testate estates.
Referred to **Judiciary II Committee.**

H.B. 899, a bill to allow cities, towns, and other government units additional time to commit water and sewer grant funds and to revert funds not committed.
Referred to **Appropriations Committee.**

H.B. 925 (Committee Substitute), a bill amending the Charter of the City of Durham concerning the power of the housing appeals board and disposition of property.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 960 (Committee Substitute), a bill to prohibit the misuse of confidential information by public officers and employees.
Referred to **Judiciary I Committee.**

H.B. 989, a bill authorizing the issuance of revenue bonds to finance projects on the Centennial Campus of North Carolina State University at Raleigh.
Referred to **Finance Committee.**

H.B. 1012, a bill to delay the reversion of certain funds appropriated to a specific nonstate agency.
Referred to **Appropriations Committee.**

H.B. 1065, a bill to provide first available bed priority for nursing home patients temporarily absent from a nursing facility due to hospital stay.
Referred to **Human Resources Committee.**

H.B. 1095, a bill to make technical corrections in the child support laws.
Referred to **Children and Youth Committee.**

H.B. 1130, a bill to make the possession of anabolic steroids without a prescription a felony.
Referred to **Human Resources Committee.**

H.B. 1136 (Committee Substitute), a bill making conforming and technical amendments to the General Statutes concerning administrative procedure.
Referred to **Judiciary I Committee.**

H.B. 1182 (Committee Substitute), a bill to amend the Statutes to extend the availability of intensive probation to misdemeanants.
Referred to **Judiciary III Committee.**

H.B. 1213, a bill to provide a place within the State Government complex for the State Employees' Credit Union.
Referred to **State Government Committee.**

H.B. 1214, a bill regarding the budgeting of and expenditure of receipts.
Referred to **Appropriations Committee.**

H.B. 1217, a bill to modify the procedures for reports by the University of North Carolina on vending facility operations, so as to delete a requirement for quarterly reports, and limit the applicability to institutional trust funds.
Referred to **Appropriations Committee.**

H.B. 1236, a bill to increase securities related fees.
Referred to **Finance Committee.**

H.B. 477, a bill to amend the Licensure Act for speech and language pathologists and audiologists.
Referred to **State Government Committee.**

H.B. 749 (Committee Substitute), a bill to enable the County of New Hanover and all municipalities therein to regulate removal of trees within their regulatory jurisdiction.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 896 (Committee Substitute), a bill to provide that the City of Clinton need not mail zoning notices to areas newly annexed or newly added to its extraterritorial jurisdiction.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 908 (Committee Substitute), a bill to repeal obsolete local acts relating to Chatham County.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 996, a bill establishing the North Carolina Federal Tax Reform Allocation Committee in response to and in the management of Federal restrictions on private activity bonds and low-income housing tax credits.
Referred to **Finance Committee.**

H.B. 1005, a bill to expand the membership of the Liability Insurance Trust Fund Council and to increase its borrowing authority.

Referred to **Finance Committee**.

H.B. 1225, a bill establishing pretrial release service fees.

Referred to **Judiciary III Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 653, a bill to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 621 (Committee Substitute), a bill to merge all of the school administrative units in Robeson County, subject to a referendum.

The Chair rules the Committee Substitute bill requires a call of the roll and the Committee Substitute bill remains before the Senate upon second reading.

Senator Parnell offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senator Bryan--1.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 626, a bill to permit Mecklenburg County to levy an excise tax on instruments conveying real property in Mecklenburg County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 31, noes 14, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--31.

Voting in the negative: Senators Allran, Bryan, Cobb, Ezzell, Harris, Kincaid, McDuffie, Seymour, Sherron, Simpson, Smith, Somers, Taft, and Winner--14.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 182 (Committee Substitute), a bill to increase the maximum fine for violation of local ordinances from fifty dollars to five hundred dollars.

The Chair declares the Committee Substitute bill a public bill and the bill remains before the Senate for further consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 672, a bill to provide for the nonpartisan election of the Iredell County Board of Education at the time of the general election, to expand the Board from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners.

On motion of Senator Bryan, consideration of the bill is postponed until Wednesday, May 27.

S.B. 669 (Committee Substitute), a bill to clarify the State Tort Claims Act and related Statutes, to improve the administration of the act, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 241, a bill to alter the statute of limitations for malpractice actions on behalf of minors, with a favorable report, as amended.

S.B. 751, a bill to eliminate as a defense to rape and sexual offenses that the victim is the defendant's legal spouse, with a favorable report, as amended.

S.B. 375, a bill to require owners and operators and their parent corporations to be responsible for costs and liabilities arising from the operation of hazardous waste facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 375** (Committee Substitute), a bill to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of hazardous waste facilities, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26, for further consideration.

CALENDAR (Continued)

S.B. 835, a bill to amend Chapter 97 "Workers' Compensation Act, upon second reading.

On motion of Senator Staton, the bill is re-referred to the **Finance Committee**.

S.B. 71, a bill to direct local school systems to either use textbook damage fees to rebind damaged textbooks or remit the funds to the State Board of Education.

On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee**.

S.B. 101 (Committee Substitute), a bill to amend the Business Corporation Act to permit corporations to limit or eliminate the liability of corporate directors for monetary damages for certain breaches of duty.

Senator Ezzell offers Amendment No. 1 which is adopted (electronically recorded).

Senator Block offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 172 (Committee Substitute), a bill to amend the Workers' Compensation Act.

Senator Thomas offers Amendment No. 1 which fails of adoption (electronically recorded).

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

Senator Barker requests to be recorded voting "aye" on the third reading of the Committee Substitute bill.

S.B. 177, a bill to establish a State employee occupational health clinic pilot program.

On motion of Senator Staton, the bill is re-referred to the **Appropriations Committee**.

S.B. 249, a bill to amend the special education hearings process, as amended.

On motion of Senator Marvin, the bill, as amended, is re-referred to the **Appropriations Committee**.

S.B. 323 (Committee Substitute), a bill to change the effective date of the life care center certificate of need modification law.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 451, a bill to provide that the North Carolina Supreme Court may not consider in its review of a death penalty case whether the sentence imposed is disproportionate to the penalty imposed in similar cases.

The bill fails to pass its second reading (electronically recorded).

S.B. 495 (Committee Substitute), a bill to amend the law regarding assistance dogs for the handicapped.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.J.R. 522 (Committee Substitute), a joint resolution honoring the memory of John T. Patrick, founder of the Town of Southern Pines.

Without objection, the Chair places the Committee Substitute joint resolution on the Calendar for Monday, June 1.

S.B. 647 (Committee Substitute), a bill authorizing counties, cities, and local boards of education to establish requirements concerning apartheid in projects financed with public funds.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

S.B. 662, a bill to modify the provisions for leave time and workweeks of Occupational Education Teachers.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 692 (Committee Substitute), a bill regarding the adulteration or misbranding of food, drugs, or cosmetics with intent to cause serious injury or death.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 747 (Committee Substitute), a bill to modify the law applicable to limited driving privileges.

Senator Barker offers Amendment No. 1 which is adopted (electronically recorded).

Senator Goldston offers Amendment No. 2.

Senator Barker rises to a point of order as to Amendment No. 2 being germane to the Committee Substitute bill, as amended.

The Chair rules Amendment No. 2 germane.

Senator Harris, seconded by Senator Rand, offers a motion that Amendment No. 2 and the Committee Substitute bill, as amended, do lie upon the table, which motion fails to prevail (electronically recorded).

Amendment No. 2 fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, fails to pass its second reading (electronically recorded).

S.B. 762, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located, by the Commission for Health Services, and by the Environmental Management Commission before approval of a permit by the Department of Human Resources can be given.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On motion of Senator Barnes, further consideration of the bill, as amended, is postponed until tomorrow, May 26.

S.B. 775, a bill to permit insurers to have access to the records of the Industrial Commission about employees that they insure.

On motion of Senator Hardison, the bill is recommitted to the **Insurance Committee**.

S.B. 807 (Committee Substitute), a bill to revise the Outlawry Statute to provide procedures that are constitutionally sufficient, to provide equal protection under the law, and to authorize citizens to arrest certain felons who are fugitives from justice.

The Committee Substitute bill passes its second reading (electronically recorded).

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 838, a bill to permit disclosure of information concerning adoptees and their biological relatives.

On motion of Senator Seymour, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Hardison to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

The President recognizes the following pages serving in the Senate this week: David Bland Bell, Burlington; Carolyn Louise Bullock, Knightdale; Tonya Lynn Bunn, Spring Hope; Kimberly A. Coleman, Raleigh; Sherrill Dunn, Raleigh; Jennifer Lynn Edwards, Bladenboro; Peter Hobart Green, Raleigh; Ruth LeAnn Gupton, Raleigh,; Leonard Lamont Lassiter, Raleigh; Scotty Van Law, Graham; Jennifer Rae Lee, Graham; George Ray Lentz, Graham; Natalie Diona Mizelle, Raleigh; Ron Peebles, Raleigh; Regina Kelly Pointer, Semora; Caroline Stephenson, Murfreesboro; Amy Susanne Taylor, Haw River; Katie Cutchin Thomas, Raleigh; Leslie Jean Vaughn, Burlington; Norman Whitney, Graham; Susan Annis Williams, Burlington; and Candare Aurelia Worth, Raleigh.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B 77 House of Representatives
May 25, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has failed to concur in the Senate Committee Substitute for House Bill 77, "AN ACT TO PROVIDE AN ALTERNATE PROCEDURE FOR CANCELLATION OF A DEED OF TRUST," and conferees are requested.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Winner, and Simpson as conferees on the part of the Senate to resolve the differnces arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, May 26, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Keith Glover, Associate Minister of White Plains United Methodist Church, Cary, as follows:

"This week, O Lord, we remember with humility and gratitude those who have served and sacrificed and suffered in order that we might be able to live in this nation of freedom and opportunity. For their strength and courage and devotion, we give You thanks.

"Now, by the Almighty Power of Your indwelling Presence, we pray that You will open our eyes, our ears, our hearts, and our very lives to Your purpose for us so that today we, too, may serve You and our neighbor with faithfulness and steadfastness.

"Help each of us, in all we say and do, to be a blessing and a healing reminder of Your eternal love to all whose lives we touch.

"This we pray in the Name of the Man of Galilee, Who said, 'Whoever would be great among you must be the servant of all' and 'Greater love hath no man than this, that he lay down his life for his friends.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson of Cabarrus and Plyler for today.

Senator Harrington offers a motion to suspend Rule 41, as suspended on May 21, to the end that bills accepted by Bill Drafting by 3:00 P.M. Thursday, May 21, may be filed for introduction by 4:00 P.M. May 27, which motion prevails.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston for the **Transportation Committee**:

S.B. 412, a bill to modify the licensing of commercial truck drivers, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Goldston, the Committee Substitute bill is placed on the Calendar for Wednesday, May 27, for further consideration.

S.B. 733, a bill pertaining to driver education, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Goldston, the Committee Substitute bill is placed on the Calendar for Wednesday, May 27, for further consideration.

S.B. 877, a bill to provide that the Commissioner of Motor Vehicles shall appoint the County Tax Collector as the authorized tag agent in each county, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 877** (Committee Substitute), a bill authorizing the Legislative Research Commission to study whether the county tax collector should serve as the authorized tag agent in each county, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Goldston, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

H.B. 767, (Committee Substitute), a bill to authorize Dare County to dispose of property by private sale in connection with a lease-purchase arrangement for construction of a law enforcement center and jail, with a favorable report.

H.B. 909, a bill to authorize the City of Southport to adopt and enact ordinances regulating the removal, replacement, and preservation of trees within the City's territorial jurisdiction, with a favorable report.

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

S.B. 502, a bill to provide that State retirement is not marital property available for equitable distribution, with a favorable report.

S.B. 720, a bill to increase the retirement formula for members and beneficiaries, and permit an unreduced retirement allowance for a member after age 60 with 25 years of creditable service in the Local Governmental Employees' Retirement System, with a favorable report.

On motion of Senator Hunt to Durham, the bill is re-referred to the **Appropriations Committee.**

S.B. 803, a bill to make conforming changes in the Local Governmental Employees' Retirement System to: permit creditable service for unused sick leave to count toward eligibility for service retirement regardless of age; permit the purchase for creditable service for federal employment at full cost; permit the purchase of creditable service for probationary employment at full cost; permit the purchase of creditable service for previous permanent local government employment at full cost; permit the purchase of creditable service for temporary local government employment at full cost; permit an unreduced retirement allowance for a member after age 60 with 25 years of creditable service; and make a correction in the transfer of death benefit reserves, with a favorable report.

On motion of Senator Hunt to Durham, the bill is re-referred to the **Appropriations Committee.**

S.B. 804, a bill to provide prorated cost of living adjustments to beneficiaries retired for less than one year in the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System, with a favorable report.

On motion of Senator Hunt to Durham, the bill is re-referred to the **Appropriations Committee.**

S.B. 767, a bill to modify the required service for a National Guard pension, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 809, a bill to permit members of the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System the right to roll over accumulated contributions to the Supplemental Retirement Income Plan in lieu of receiving a return of accumulated contributions, and to correct the contribution limitation to the Supplemental Retirement Income Plan, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 858, a bill to establish a Uniform Disability Income Plan for Teachers and State Employees in lieu of Disability Retirement Benefits and the Disability Salary Continuation Plan, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Staton for the **Economic Growth Committee:**

S.B. 217, a bill to promote economic development by authorizing tax credits for certain business investments, with a favorable report.

On motion of Senator Staton, the bill is re-referred to the **Finance Committee.**

S.B. 317 (Committee Substitute), a bill to authorize the creation of North Carolina capital corporations, with a favorable report.

On motion of Senator Staton, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Swain for the **Judiciary III Committee:**

S.B. 409 (Committee Substitute), a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law, with a favorable report, as amended.

S.B. 777 (Committee Substitute), a bill to strengthen joint custody where custody of children is at issue, with a favorable report, as amended.

By Senator Conder for the **Children and Youth Committee:**

S.B. 135, a bill to provide for the convening of a grand jury to investigate crimes involving the exploitation or exhibition of children, with a favorable report, as amended.

On motion of Senator Conder, the bill is re-referred to the **Judiciary IV Committee.**

S.B. 846, a bill to provide for the disclosure of adoption records upon the request of an adopted person who is twenty-one years of age or older, with an unfavorable report.

By Senator Richardson for the **Veterans Affairs and Senior Citizens Committee:**

H.B. 1159, a bill to establish an aging policy plan for North Carolina, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hardison:

S.B. 1095, a bill to appropriate funds for safe, a shelter for battered spouses and children, operated by the Caswell Center.

Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1096, a bill to appropriate funds to the Duplin County Agribusiness Council for operating expenses.

Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1097, a bill to appropriate funds to the Adkin High School Alumni and Friends.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1098, a bill to provide a tax credit for dependent care assistance provided by employers and to appropriate funds to publicize the availability of the credit.
Referred to **Finance Committee.**

By Senators Hardison and Harris:

S.B 1099, a bill to permit the Secretary of Human Resources to use unexpended appropriations to purchase liability insurance for Department of Human Resources employees.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1100, a bill to appropriate funds for the restoration of the Historic Fire Station in Lenoir County.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1101, a bill to appropriate funds for the Kinston/Lenoir Air Show.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1102, a bill to appropriate funds to the Black Artists' Guild, Inc.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1103, a bill to appropriate funds to the Jones County unit of United Tri-County Senior Citizens for operating expenses.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1104, a bill to appropriate funds for a park and garden in Kinston.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1105, a bill to appropriate funds to the Anita Stroud Foundation.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1106, a bill to appropriate funds to the Association for Sickle Cell Disease for Charlotte-Metrolina.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1107, a bill to appropriate funds for community programs at the Bethlehem Center of Charlotte.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1108, a bill to appropriate funds for the North Carolina Turkey Festival Celebration in Hoke County.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1109, a bill to appropriate funds to the Town of Rowland for renovations to building for public library use.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1110, a bill to appropriate funds to the Maxton Day Care Council for senior citizen day care.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1111, a bill to appropriate funds to the Lumbee Regional Development Association, Incorporated, for food distribution to low income families.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1112, a bill to appropriate funds for upkeep of the Carolina Civic Center Foundation in Lumberton.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1113, a bill to appropriate funds for the development and completion of an indian cultural center.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1114, a bill to appropriate funds for a brush and grass fire truck for the Raeford Volunteer Fire Department.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1115, a bill to appropriate funds to increase the grants available under the American Indian Student Legislative Grant Program.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1116, a bill to appropriate funds for the Fountain Rural Volunteer Fire Department.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1117, a bill to appropriate funds to the Town of Parmele to design and plan a community senior citizens facility.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1118, a bill to appropriate funds to the Bell Arthur First Responders.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1119, a bill to authorize the Legislative Research Commission to study publications issued by State agencies, their necessity, function, and effectiveness, and the appropriateness of the scope of their distribution and to appropriate funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Barker:

S.B. 1120, a bill to appropriate funds to plan the economic development of the Town of Oriental.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1121, a bill to appropriate funds to the Pamlico County Parks and Recreation for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1122, a bill to appropriate funds for the Pamlico County Board of Education for capital improvements of athletic facilities and for band uniforms.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1123, a bill to appropriate funds to the Pamlico County Fireman's Association for the purchase of equipment.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1124, a bill to appropriate funds to the County of Pamlico for programs to benefit its senior citizens.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1125, a bill to appropriate funds to the Pamlico County Rescue Squad, Inc. for new equipment.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1126, a bill to appropriate funds to the Carteret County Board of Education for band and athletic programs.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1127, a bill to appropriate funds to the Beaufort Historical Association for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1128, a bill to appropriate funds for the purchase of an air compressor system to be shared by fire and rescue departments in Carteret County and for equipment for volunteers fire departments in Carteret County.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1129, a bill to appropriate funds to the Carteret County Chamber of Commerce to promote and defray the costs of the North Carolina Seafood Festival.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1130, a bill to appropriate funds to the Carteret County Parks and Recreation for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1131, a bill to appropriate funds to the County of Carteret for programs to benefit its senior citizens.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1132, a bill to appropriate funds to Craven-Pamlico- Carteret Regional Library for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1133, a bill to appropriate funds for the Construction of a girls' softball field at Havelock High School in Craven County.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1134, a bill to appropriate funds for capital improvements to the Harlowe Community Center in Craven County.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1135, a bill to appropriate funds to the City of Havelock Parks and Recreation for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1136, a bill to appropriate funds to the Craven County Parks and Recreation for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1137, a bill to appropriate funds to the City of Vanceboro Parks and Recreation for capital improvements.
Referred to **Appropriations Committee.**

By Senator Barker:

S.B. 1138, a bill to appropriate funds to the County of Craven for programs to benefit its senior citizens.
Referred to **Appropriations Committee.**

By Senator Johnson of Wake:

S.B. 1139, a bill to appropriate funds for educational programs of the Wake County Arts Council, Incorporated, in Wake County.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1140, a bill to appropriate funds for Guilford Area Mental Health, Mental Retardation and Substance Abuse Authority for the purpose of start-up and initial operations of a psychiatric inpatient facility for youth.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1141, a bill to appropriate funds to the Hayes Taylor Branch of the Greensboro YMCA.
Referred to **Appropriations Committee.**

By Senators Martin of Guilford and Seymour:

S.B. 1142, a bill to appropriate funds for the Whitsett Community Center.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1143, a bill to appropriate funds to the United Negro College Fund for scholarships.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1144, a bill to appropriate funds to the Bennett College National Alumnae Association.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1145, a bill to appropriate funds to the Triad Sickle Cell Anemia Foundation.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1146, a bill to appropriate funds to VFW Post 2087 for a housing rehabilitation project for the homeless and for a youth outreach program.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1147, a bill to appropriate funds to the Southeast Greensboro Council on Crime and Delinquency.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1148, a bill to appropriate funds to the Durham Housing Authority to support the youth educational enrichment experience program.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1149, a bill to appropriate funds to the Durham YWCA to renovate the fire escape system of its building.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1150, a bill to appropriate funds to the Joint Orange Chatham Community Action agency to support senior citizens' programs.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1151, a bill to appropriate funds to promote the Granville County Senior Citizens' program.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1152, a bill to appropriate funds to the Town of Creedmoor to re-roof the local recreation center.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1153, a bill to appropriate funds to Operation Breakthrough for operating expenses.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1154, a bill to appropriate funds to the Person County Memorial Hospital, for renovations.
Referred to **Appropriations Committee.**

By Senator Hunt of Durham:

S.B. 1155, a bill to appropriate funds to the John Avery Boy's Club to enhance their program of developing youth.
Referred to **Appropriations Committee.**

By Senators Hunt of Durham and Royall:

S.B. 1156, a bill to appropriate funds for the stabilization and rehabilitation of the Cheatham Building, and other historical landmarks that comprise the campus of the Central Children's Home, Inc.
Referred to **Appropriations Committee.**

By Senators Marvin and Parnell:

S.J.R. 1157, a joint resolution authorizing the Legislative Research Committee to study the need for attorneys in the Department of Justice and Attorney General's offices to serve State agencies.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Marvin:

S.B. 1158, a bill to appropriate funds for the elimination of internal caps in exceptional children's education.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1159, a bill to appropriate funds for the Lakeland Cultural Arts Center.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1160, a bill to appropriate funds to Warren County for the Charles Williamson Bar Association Foundation to assist in rendering quality legal services to the public.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1161, a bill to appropriate funds to the Choanoke Area Development Association for renovation of its facilities.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1162, a bill to appropriate funds for Wayne County Board of Education teacher awards.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1163, a bill to appropriate funds for Goldsboro City Board of Education teacher awards.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1164, a bill to appropriate funds for Greene County Board of Education teacher awards.
Referred to **Appropriations Committee.**

By Senators Tally and Rand:

S.B. 1165, a bill to appropriate funds for the Cumberland Mental Health Center.
Referred to **Appropriations Committee.**

By Senators Plyler and Rand:

S.B. 1166, a bill to appropriate funds for forestry biotechnology research at North Carolina State University.
Referred to **Appropriations Committee.**

By Senator Thomas:

S.B. 1167, a bill authorizing the Legislative Research Commission to study the viability of North Carolina's sounds and inland waters and to study the feasibility of imposing a severance tax on phosphate rock.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Basnight:

S.B. 1168, a bill to appropriate funds for Ablemarle Adult Developmental Activities program client transportation.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1169, a bill to fund public historic works for the economic development of northeastern North Carolina.
Referred to **Appropriations Committee.**

By Senators Basnight and Barker:

S.B. 1170, a bill to appropriate funds for commercial fisheries development.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1171, a bill to appropriate funds for Roanoke Developmental Center's services to handicapped citizens.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1172, a bill to appropriate funds to the Roanoke Voyages and Elizabeth II Commission to use for landscaping.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1173, a bill to appropriate funds for Mid-County and Lake Phelps Fire Department in Washington County.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1174, a bill to authorize the Legislative Research Commission to study ferries and to appropriate funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Basnight:

S.B. 1175, a bill to appropriate funds to the Department of Correction to construct a surface and subsurface drainage system at the Washington County prison unit in Creswell.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1176, a bill to authorize the Legislative Research Commission to study the Oregon Inlet and to appropriate funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Basnight:

S.B. 1177, a bill to provide funds to establish the North Carolina Aquaculture Board and support its activities to establish a policy and program toward improving the science and practice of aquaculture in the State.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1178, a bill to appropriate funds for the renovations of the Halifax 4-H Youth Camp.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1179, a bill to appropriate funds to the Halifax County Board of Education to increase the collections at the Halifax County school libraries.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1180, a bill to appropriate funds to Mars Hill College for the completion of the Appalachian Conference Center at Bruce Farm.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1181, a bill to appropriate funds for the establishment of a group home for the developmentally disabled hearing impaired.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1182, a bill to appropriate funds to defray the costs of constructing a human resource center for Yancey County residents.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1183, a bill to appropriate funds to McDowell County for a recreational center.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1184, a bill to provide funds for the Eliada Home for Children.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1185, a bill to appropriate funds for a vocational rehabilitation independent living program for the Asheville/mountain region.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1186, a bill to appropriate funds for the First Step Farm.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1187, a bill to appropriate funds for residential housing for the chronically mentally ill.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1188, a bill to appropriate funds to address ICF/MR deficiencies and remove asbestos at Black Mountain Center for the mentally retarded.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1189, a bill to provide funds for a National Guard armory in Sampson County.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1190, a bill to appropriate funds to the Town of Salemburg for town improvements.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1191, a bill to appropriate funds to East Carolina University for a gerontology program and a regional development institute.
Referred to **Appropriations Committee.**

By Senator Goldston:

S.B. 1192, a bill to establish a Legislative Study Commission to review the structure of highway fund financing, to make recommendations for short range and long range solutions of highway funding requirements and to appropriate funds for the study.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Goldston and Sands:

S.B. 1193, a bill to appropriate funds for the Penn House Community Center in Reidsville.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1194, a bill to appropriate funds for the Carlyle Higgins Agricultural Center in Alleghany County.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1195, a bill to appropriate funds for the Ashe County Public Library.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1196, a bill to appropriate funds to the Town of Canton for an Appalachian Art Multipurpose Center.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1197, a bill to appropriate funds for the Henderson County Dispute Settlement Center.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1198, a bill to appropriate funds to Western Carolina University for the Mountain Heritage Center.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1199, a bill to appropriate funds for the Waynesville Housing Authority.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1200, a bill to appropriate funds for Valleytown Cultural Arts and Historical Society, Inc.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1201, a bill to appropriate funds for the Department of Human Resources Division of Mental Health, Mental Retardation, and Substance Abuse Services.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1202, a bill to appropriate funds to the N. C. Department of Public Education.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1203, a bill to appropriate funds for the Graham County School System.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1204, a bill to appropriate funds for community based child abuse treatment programs.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1205, a bill to appropriate funds to Mountain Youth Resources, Inc.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1206, a bill to appropriate funds to Western Carolina University.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1207, a bill to appropriate funds to the Tabor City Committee of 100.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1208, a bill to appropriate funds to the Town of East Arcadia for gym restoration.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1209, a bill to appropriate funds for the Chadbourn Committee of 100.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1210, a bill to improve and beautify the Lake Tabor Bird Sanctuary.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1211, a bill to appropriate funds for community projects of the Greater Tabor City Chamber of Commerce.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1212, a bill to appropriate funds to Bladen County for the 4-H.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1213, a bill to appropriate funds for community and recreational activities in Bolton.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1214, a bill to appropriate funds to the Greater Whiteville Chamber of Commerce for community projects.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1215, a bill to appropriate funds for the Beaver Dam Volunteer Fire Department of Cumberland County.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1216, a bill to appropriate funds to the Town of Bladenboro for the community building.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1217, a bill to appropriate funds to the Greater Chadbourn Chamber of Commerce for community projects.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1218, a bill to appropriate funds to Bladen County for the Bladen Springs Community Building.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1219, a bill to appropriate funds to Bladen County Improvement Association, Inc., for operations.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1220, a bill to appropriate funds to the Town of Bladenboro for the Community Building.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1221, a bill to appropriate funds to Bladen County for Harmony Hall restoration.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1222, a bill to appropriate funds to the Bladen County Fire Fighters Association, Inc., for equipment for the volunteer fire companies of Bladen County.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1223, a bill to appropriate funds to the Greater Fair Bluff Chamber of Commerce for community projects.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1224, a bill to appropriate funds to the Hospice of Union County for program development.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1225, a bill to appropriate funds to the City of Troy for Troy Park expansion.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1226, a bill to appropriate funds to Rockingham Recreation Foundation, Inc., to improve the facilities at Palisades Park.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1227, a bill to appropriate funds to the Town of Dobbin Heights for a park fence.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1228, a bill to appropriate funds to Scotland County for the Youth Jobs program.
Referred to **Appropriations Committee.**

By Senators Rauch, Block, Harris, Kaplan, Marvin, Rand, Richardson, and Winner:

S.B. 1229, a bill to appropriate funds to the North Carolina Council on the Holocaust.
Referred to **Appropriations Committee.**

By Senator Rauch:

S.B. 1230, a bill to appropriate funds for the Center for Alcohol Studies Endowment.
Referred to **Appropriations Committee.**

By Senators Rauch, Marvin, and Harris:

S.B. 1231, a bill to appropriate funds to the City of Gastonia for the Erwin Center Library.
Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1232, a bill to appropriate funds for Job Coach services for autistic adults.
Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1233, a bill to appropriate funds for the North Carolina Society for Autistic Adults and Children.
Referred to **Appropriations Committee.**

By Senators Royall, Hardison, Johnson of Wake, Sherron, Staton, and Taft:

S.B. 1234, a bill to expand availability of the Employee Assistance Program to all State employees subject to G.S. 126.
Referred to **Appropriations Committee.**

By Senators Royall and Hunt of Durham:

S.B. 1235, a bill to appropriate funds to the Dispute Settlement Center of Durham County for operating expenses.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1236, a bill to appropriate funds for the Lenoir County Boys' Club.
Referred to **Appropriations Committee.**

By Senators Royall, Hardison, Plyler, Rand, Sherron, and Taft:

S.B. 1237, a bill to appropriate funds for advance planning of capital facilities at the University of North Carolina.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1238, a bill to appropriate funds for the La Grange Town Library.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1239, a bill to appropriate funds for Lenoir County School bands.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1240, a bill to appropriate funds for eastern minority development.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1241, a bill to modify the carry-forward and other provisions of the distillery tax credit and to appropriate funds to administer the new provisions.
Referred to **Finance Committee.**

By Senators Rand and Tally:

S.B. 1242, a bill to appropriate funds to the Cape Fear Regional Theatre at Fayetteville, Inc., for operating expenses.
Referred to **Appropriations Committee.**

By Senators Rand and Tally:

S.B. 1243, a bill to appropriate funds to the Arts Council of Fayetteville/Cumberland County, Inc., to complete renovations to the cultural arts facility.
Referred to **Appropriations Committee.**

By Senators Rand and Tally:

S.B. 1244, a bill to appropriate funds for the programs and structures of the Fayetteville Human Services Commission.
Referred to **Appropriations Committee.**

By Senators Rand and Tally:

S.B. 1245, a bill to appropriate funds for the Museum of the Cape Fear.
Referred to **Appropriations Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 1246, a bill to appropriate funds to the Family Violence and Rape Crisis Association of Lee County for operating expenses, the purchase of a shelter, and educational programs for the public.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1247, a bill to appropriate funds for the special Legislative Commission on Fairness in Taxation.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Rand:

S.B. 1248, a bill to appropriate funds for the Small Farm Horticultural Marketing Project.
Referred to **Appropriations Committee.**

By Senators Rand and Simpson:

S.B. 1249, a bill to appropriate funds to give teacher aides in schools operated by the Department of Human Resources the same benefits as teacher aides working in schools operated by local school systems.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1250, a bill to appropriate funds to Arts Together, Inc., for historic restoration.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1251, a bill to appropriate funds to rehabilitation services of Wake County, Incorporated, for operations.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1252, a bill to appropriate funds to the Western Medical Center in Spring Lake.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1253, a bill to appropriate funds to Angier Senior Citizens, Inc., for capital improvements to the meeting building.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1254, a bill to appropriate funds to the Town of Garner for recreation programs.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1255, a bill to appropriate funds to Harnett County Uplift Operation, Inc., for assistance to minority businesses.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1256, a bill to appropriate funds for the Gardens Restoration Project at Historic Bethabara Park, Incorporated, of Winston-Salem.
Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 1257, a bill to appropriate funds for the Nature Science Center of Forsyth County, Incorporated, for operating expenses.
Referred to **Appropriations Committee.**

By Senator Ward:

S.B. 1258, a bill to appropriate funds to supplement current operations of the Board of Governors of the University of North Carolina.
Referred to **Appropriations Committee.**

By Senator Ward:

S.B. 1259, a bill to supplement current operations in the public schools.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1260, a bill to appropriate funds for the Chatham County services for older adults.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1261, a bill to appropriate funds for Chatham Hospice.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1262, a bill to appropriate funds for Jordan Lake law enforcement.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1263, a bill to appropriate funds for an Asheboro arts building.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1264, a bill to appropriate funds for Chatham County domestic violence services.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1265, a bill to appropriate funds for Asheboro day care for children from birth to three years of age.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1266, a bill to appropriate funds for Brooks Day Care Center.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1267, a bill to appropriate funds for a Randolph County Helpline Contact.
Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 742, a bill to regulate hunting and promote firearms safety in Wake County.
Referred to **Local Government and Regional Affairs I Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives.

H.B. 559 (Committee Substitute), a bill to allow unaffiliated voters to vote in the primary election of the party which authorizes that voter to vote, so as to comply with a decision of the Supreme Court of the United States.
Referred to **Election Laws Committee.**

H.B. 939, a bill to prohibit the subrogation of benefits by certain corporations and organizations, and subrogation of group life, accident, and health benefits.
Referred to **Insurance Committee.**

H.B. 1189 (Committee Substitute), a bill to rewrite the criminal offense of forgery of transcripts and diplomas.
Referred to **Higher Education Committee.**

H.B. 1194, a bill clarifying the appraisal of real property in non-reappraisal years.
Referred to **Finance Committee.**

H.B. 1198, a bill to eliminate the requirement that a notice of sale describe improvements on the property.
Referred to **Judiciary IV Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hipps for the **Constitution Committee:**

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition, with a favorable report.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Monday, May 25, are taken up and disposed of as follows:

S.B. 840, a bill to provide for increased involvement in water testing and analysis by private commercial laboratories.
On motion of Senator Winner, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 242 (Committee Substitute), a bill to amend the powers and duties of the Board of Medical Examiners, as amended, upon third reading.
Senator Taft offers Amendment No. 2 which is adopted (electronically recorded).
The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 756 (Committee Substitute), a bill to restrict the use of special provisions in appropriations bills, upon third reading.
The Committee Substitute bill passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

Bills and Resolutions on today's Calendar are taken up and disposed of as follows:

S.B. 621 (Committee Substitute), a bill to merge all of the school administrative units in Robeson County, subject to a referendum, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 626, a bill to permit Mecklenburg County to levy an excise tax on instruments conveying real property in Mecklenburg County, upon third reading.

Senator Cobb offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Cobb offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill passes its third reading by roll-call vote, ayes 29, noes 10, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Rand, Rauch, Richardson, Royall, Sands, Simpson, Soles, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--29.

Voting in the negative: Senators Bryan, Cobb, Ezzell, Harris, McDuffie, Seymour, Shaw, Sherron, Smith, and Winner--10.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 48 (Committee Substitute), a bill to prohibit shallow land burial of radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 188 (Committee Substitute), a bill to require high school age children to pass in school to be eligible for drivers licenses.

On motion of Senator Warren, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 241, a bill to alter the statute of limitations for malpractice actions on behalf of minors.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

Senator Taft calls the previous question, seconded by Senator Hardison. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Hipps to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 375 (Committee Substitute), a bill to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of hazardous waste facilities.

Senator Conder offers Amendment No. 1 which is adopted (electronically recorded) changing the title to read, **S.B. 375** (Committee Substitute), a bill to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of commercial hazardous waste treatment facilities.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 389 (Committee Substitute), a bill to authorize the regulation of the operation of water wells and well systems with a designed capacity of 100,000 gallons per day or greater by bringing the operation of such wells within the purview of the Well Construction Act.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 563, a bill to amend the community work experience program to change limitations on time spent at a worksite.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles, as amended.

On motion of Senator Staton, Committee Amendment No. 2 is adopted.

Senator Staton calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 631, a bill to amend the insurance provisions of the Amusement Device Safety Act.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 751, a bill to eliminate as a defense to rape and sexual offenses that the victim is the defendant's legal spouse.

On motion of Senator Johnson of Wake, Committee Amendment No. 1, changing the title to read, **S.B. 751**, a bill to modify the defense to rape and sexual offenses, is adopted.

Senator Barker offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 759 (Committee Substitute No. 2), a bill to authorize the formation of multiple employer trusts to provide health insurance.

The fiscal note requested May 22 is submitted by Senator Rand.

On motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 774 (Committee Substitute), a bill to provide that a person who operates a motorboat or motor vessel gives implied consent to a chemical analysis if charged with

an alcohol-related offense and to provide that the results of a chemical analysis or the fact of a refusal to take the test are admissible as evidence in a civil or criminal proceeding.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 796 (Committee Substitute), a bill to amend the Clean Detergent Act to provide exemptions for commercial laundry service for funeral homes and for the laundering of uniforms.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 833 (Committee Substitute), a bill to require disclosure of information to an insurance company when arson is suspected.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 841 (Committee Substitute), a bill to adapt the Mental Health Admissions law to permit emergency admissions for persons needing immediate hospitalization.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection sent to the House of Representatives by special messenger.

Senator Warren requests to be recorded voting "aye" on the third reading of the Committee Substitute bill.

S.B. 101 (Committee Substitute), a bill to amend the Business Corporation Act to permit corporations to limit or eliminate the liability of corporate directors for monetary damages for certain breaches of duty, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 647 (Committee Substitute), a bill authorizing counties, cities, and local boards of education to establish requirements concerning apartheid in projects financed with public funds, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered, without objection sent to the House of Representatives by special messenger.

S.B. 696 (Committee Substitute), a bill to require all further proposals for municipal incorporation to be reviewed by the Joint Legislative Commission on Municipal Incorporations, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 762, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located, by the Commission for Health Services, and by the Environmental Management Commission before approval of a permit by the Department of Human Resources can be given, as amended, upon third reading.

Senator Hunt of Moore moves that the vote by which the bill, as amended, passed second reading be reconsidered, which motion prevails.

Senator Hunt of Moore moves that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is withdrawn by unanimous consent.

Senator Barker offers Amendment No. 2.

On motion of Senator Hunt of Moore, consideration of the bill, with Amendment No. 2 pending, is postponed until Wednesday, May 27.

S.B. 808, a bill to provide that tobacco products may not be sold to minors that minors may not use tobacco products on school premises, as amended, upon third reading.

Senator Kaplan offers Amendment No. 3 which is adopted (electronically recorded).

Senator Warren offers a motion that the bill, as amended, be re-referred to the **Education Committee**.

Senator Thomas offers a substitute motion that the bill, as amended, be re-referred to the **Finance Committee**, which motion prevails (electronically recorded).

S.B. 838, a bill to permit disclosure of information concerning adoptees and their biological relatives, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

RE-REFERRALS

S.B. 34, a bill to provide unreduced retirement benefits for State and local government fire fighters on the same basis as provided for law enforcement officers.

Without objection, on motion of Senator Hunt of Durham, the bill is taken from the **Pensions and Retirement Committee** and re-referred to the **Appropriations Committee**.

S.B. 1070, a bill to rewrite laws relating to North Carolina's land records management program, to repeal the sunset provision to terminate the program and to appropriate funds to expand the program and purchase a global positioning system to enhance the program.

Without objection, on motion of Senator Ezzell, the bill is taken from the **Local Government and Regional Affairs I Committee** and recommitted to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **State Personnel Committee**:

S.B. 356, a bill to provide incentive pay for State employees for gains in economy and efficiency in the rendering of governmental services, with a favorable report.

On motion of Senator Taft, the bill is re-referred to the **Appropriations Committee**.

S.B. 176, a bill to provide for a comprehensive study of the State Personnel Classification System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Taft, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 77 House of Representatives
May 26, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has appointed conferees on the part of the House for Senate Committee Substitute for House Bill 77, "AN ACT TO PROVIDE AN ALTERNATE PROCEDURE FOR CANCELLATION OF A DEED OF TRUST," to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

The Speaker has appointed the following Representatives: Representative Hall, Representative Cooper, and Representative Payne.

Respectfully,
s/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Goldston, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, May 27, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. George P. Robinson, Minister of Centenary United Methodist Church, Winston-Salem, as follows:

"Gracious Lord, the Giver and Sustainer of Life we pause in this moment to give thanks for all of Your blessings not the least of which is the sense of Your Presence here with us today.

"During this Memorial Week, we remember with profound gratitude all those who have died in the service of our nation, assuring our freedom and our hope for the future. And we thank You also, Lord, for those legislators and government leaders who have left their footprints of commitment all about these solemn halls.

"Walk with us all as we pursue the hard tasks and responsibilities of this day. Grant that we may have patience, good judgment, and sensitivity as we seek to serve all of Your people. Give us strength for our convictions and hope for the vision we hold for our State and nation. And, Lord, we ask for courage to put into action the faith in our hearts.

"Take us by the hand and lead us as You would lead a little child and if any good should come from our labors, we will pause and give You the glory for it. In the Name of Your Love, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Johnson of Cabarrus, whose attendance is required in court, to Senator Hunt of Moore, who is attending her daughter's graduation, and to Senator Parnell, who is meeting his new grandson.

The President grants courtesies of the gallery to Ramey F. Kemp, former Representative from Davie County.

Senator Royall offers a motion to suspend Rule 41, as suspended on May 21, and May 26, to the end that bills accepted by bill drafting by 3:00 P.M. Thursday, May 21, may be filed for introduction by 4:00 P.M. May 28, and he further moves that House Bills which pass their third reading and are ordered engrossed and sent to the Senate or are ordered sent to the Senate on or before May 28 will comply with the May 28 deadline, which motions prevail.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

S.B. 31, a bill to create the Judicial Selection Study Commission, and to appropriate funds for its operation, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 871, a bill to create an Adoptions and Surrogate Parenthood Study Commission, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 957, a bill creating a Veterans Home Study Commission and appropriating funds for the study, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 989, a bill to establish the Youth Suicide Study Commission, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 1012, a bill to authorize Legislative Research Commission to study maintenance of State buildings and to appropriate funds for the study, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 1068, a bill to create a Study Commission on Hunter Safety and Outdoor Ethics, and to provide funds for its activities, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

S.B. 643, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Harrington, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Harrington, the Committee Substitute bill is placed on the Calendar for Thursday, May 28.

By Senator Harris for the **Human Resources Committee:**

S.B. 420, a bill to regulate the practice of Dietetics/Nutrition, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Finance Committee.**

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

S.B. 802, a bill to amend and clarify certain requirements for the retirement on a disability allowance by members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Appropriations Committee.**

S.B. 801, a bill to increase the death benefit to a maximum of thirty thousand dollars and to provide a survivor's alternate benefit after twenty years of creditable service regardless of age for members of the Teachers' and State Employees' Retirement System, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 847, a bill to permit a member of the Teachers' and State Employees' Retirement System to purchase time lost due to an extended illness, by paying the full actuarial cost, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt of Durham, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Hunt of Durham, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Conder for the **Children and Youth Committee:**

S.B. 334, a bill to permit the allocation of corporate income tax refunds to the North Carolina Fund for Children and Families, with an unfavorable report as to to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 334** (Committee Substitute), a bill to establish the North Carolina Fund for children and families, provide for its governance and permit the allocation of corporate and individual income tax refunds thereto, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Conder, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

H.B. 703, a bill to repeal the prohibition against bear hunting in Gates County, with a favorable report.

H.B. 709, a bill to provide consistency and clarity to the guidelines established for the assessment of civil penalties under the Mining Act of 1971, the North Carolina Well Construction Act, and the Sedimentation Pollution Control Act of 1973, with a favorable report.

H.B. 748, a bill to prohibit hunting from the roads in part of Craven County, with a favorable report.

H.B. 776 (Committee Substitute), a bill to regulate the shining of lights in deer areas in the Counties of Bertie and Madison, with a favorable report.

H.B. 319 (Committee Substitute), a bill to encourage the marking of oyster and clam bottom areas, with a favorable report, as amended.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee.**

H.B. 425 (Committee Substitute), a bill to provide that nonresidents who fish outside North Carolina waters may obtain a vessel license during any month thereby allowing them to land and sell fish in North Carolina, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on her further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is ordered re-referred to the **Finance Committee.**

H.B. 600, a bill to authorize hunting foxes with dogs on licensed controlled hunting preserves, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the bill is placed before the Senate for immediate consideration and on her further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered re-referred to the **Finance Committee.**

By Senator Speed for the **Agriculture Committee:**

H.B. 79, a bill to repeal inactive and obsolete statutes in Chapter 106, Agriculture, with a favorable report.

H.B. 687, a bill to amend the State Farm Operations Commission Law, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee.**

By Senator Rauch for the **Finance Committee:**

S.B. 493, a bill to exempt premiums received pursuant to certain deferred compensation plans from gross premiums tax, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

S.B. 555, a bill to amend Chapter 159D of the General Statutes pertaining to industrial and pollution control facilities pool program financing act, with a favorable report.

S.B. 556, a bill to increase contributions toward retirement benefits for local law enforcement, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee.**

H.B. 290, a bill to provide for issuance of personalized registration plates for commercial vehicles, with a favorable report.

H.B. 338, a bill to annex additional territory to the Town of Fallston, with a favorable report.

H.B. 375, a bill to annex property owned by the City of Brevard, with a favorable report.

H.B. 449, a bill to extend the corporate limits of the Town of Murphy, with a favorable report.

H.B. 496, a bill to extend the corporate limits of the Town of Ranlo to include town-owned property, with a favorable report.

H.B. 497, a bill to extend the corporate limits of the Town of Dallas, North Carolina, with a favorable report.

H.B. 502, a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees for police department capital improvements, with a favorable report.

H.B. 526, a bill to increase the corporate limits of the Town of Polkville, with a favorable report.

H.B. 720, a bill to increase the fee for examination by the Board of Pharmacy, with a favorable report.

H.B. 884, a bill to allow the Town of Ahoskie to levy special assessments for street or sidewalk improvements, with a favorable report.

H.B. 885, a bill to amend the Charter of the Town of Ahoskie, with a favorable report.

S.B. 772, a bill to allow temporary rules for the issuance of bonds for private colleges, with a favorable report, as amended.

S.B. 870 (Committee Substitute), a bill to reorganize the Marine Fisheries Commission, with a favorable report, as amended.

S.B. 718, a bill to provide a three-year grace period for taxpayer deductions of dividends after certain corporations no longer have income allocable to this State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

RE-REFERRAL

S.B. 1083, a bill to provide for the relocation and care of those abandoned cemeteries selected for relocation by the Archaeology and Historic Preservation Section of the Department of Cultural Resources.

Without objection, on motion of Senator Guy the bill is taken from the **State Government Committee** and re-referred to the **Appropriations Committee**.

S.B. 486, a bill to levy a severance tax on the mining of phosphate rock.

Without objection, on motion of Senator Winner, the bill is taken from the **Environment Committee** and is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 1005, a bill to expand the membership of the Liability Insurance Trust Fund Council and to increase its borrowing authority.

Without objection, on motion of Senator Rauch the bill is taken from the **Finance Committee** and is placed on the Calendar for Thursday, May 28.

H.B. 771, a bill to provide immunity to members of the North Carolina Agricultural Finance Authority and to clarify the rule-making procedures applicable to various agencies.

Without objection, on motion of Senator Rauch the bill is taken from the **Finance Committee** and is placed on the Calendar for Thursday, May 28.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 207, an act to create specialized registration plates for members of the Coast Guard Auxiliary. (Ch. 240)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barker:

S.B. 1268, a bill to appropriate funds for the Coastal Women's Shelter Board for the purchase of a facility.

Referred to **Appropriations Committee**.

By Senators Swain and Winner:

S.B. 1269, a bill to appropriate funds to the Marion Airport Commission for needed equipment and capital improvements.

Referred to **Appropriations Committee**.

By Senators Winner, Conder, Martin of Guilford, and Warren:

S.B. 1270, a bill to appropriate funds to the Joint Legislative Commission on Governmental Operations to study the Certified Personnel Evaluation Pilot Program and the Career Development Pilot Program.

Referred to **Appropriations Committee**.

By Senator Soles:

S.B. 1271, a bill to appropriate funds for the North Carolina Strawberry Festival in Chadbourn.

Referred to **Appropriations Committee**.

By Senator Soles:

S.B. 1272, a bill to appropriate funds to the Town of Elizabethtown for the revitalization project.

Referred to **Appropriations Committee**.

By Senator Soles:

S.B. 1273, a bill to appropriate funds for a community center for Tabor City.

Referred to **Appropriations Committee**.

By Senator Soles:

S.B. 1274, a bill to appropriate funds to the Beasley Harry-Clarkton Historical Society.

Referred to **Appropriations Committee**.

By Senator Soles:

S.B. 1275, a bill to appropriate funds to expand the agricultural building at the Columbus County Fairgrounds.
Referred to **Appropriations Committee.**

By Senators Taft and Martin of Pitt:

S.B. 1276, a bill to appropriate funds for on-site crisis intervention in Pitt County.
Referred to **Appropriations Committee.**

By Senator Plyler:

S.B. 1277, a bill to appropriate funds.
Referred to **Appropriations Committee.**

By Senator Plyler:

S.B. 1278, a bill to appropriate funds.
Referred to **Appropriations Committee.**

By Senators Plyler, Conder, and Rand:

S.B. 1279, a bill to appropriate funds for land acquisition for facilities at the University of North Carolina at Greensboro.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1280, a bill to appropriate funds to the Rockingham Junior High School for a Fine Arts Festival.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1281, a bill to appropriate funds to the Anson County Arts Council, Inc.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1282, a bill to appropriate funds for public service programs at the McCrorey Branch of the Y.M.C.A. in Charlotte.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1283, a bill to appropriate funds for the Afro-American Cultural Center in Mecklenburg County.
Referred to **Appropriations Committee.**

By Senator Bryan:

S.B. 1284, a bill to appropriate funds to assist in the preservation of Ebenezer Academy in Iredell County.
Referred to **Appropriations Committee.**

By Senator Bryan:

S.B. 1285, a bill to appropriate funds for the promotional expenses of the Carolina Dogwood Festival, Inc.
Referred to **Appropriations Committee.**

By Senator Hunt of Moore:

S.B. 1286, a bill to appropriate funds for the Pinehurst Rescue Squad.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1287, a bill to appropriate funds to the Sandhills Horticultural Gardens for the Sir Walter Raleigh Garden (herein referred to as the Raleigh Garden), located on the campus of Sandhills Community College, Moore County, North Carolina.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1288, a bill to appropriate funds for the West End School Community Park Area Project.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1289, a bill to appropriate funds for improvements to the Siler City water and sewer systems.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1290, a bill to appropriate funds for the 1988 programs of the Orange County Committee on the Bicentennial of the Constitution.
Referred to **Appropriations Committee.**

By Senator Hunt of Moore:

S.B. 1291, a bill to appropriate funds for a wilderness tract in Chatham County.
Referred to **Appropriations Committee.**

By Senators Hunt of Moore and Walker:

S.B. 1292, a bill to appropriate funds for renovation of the Historic Alexander Dickson House in Hillsborough.
Referred to **Appropriations Committee.**

By Senator Walker:

S.B. 1293, a bill to appropriate funds to the Haw River Assembly for a study of the cancer mortality rate in the Village of Bynum.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1294, a bill to appropriate funds for the Hillsborough Historic Slave Cemetery.
Referred to **Appropriations Committee.**

By Senators Walker and Hunt of Moore:

S.B. 1295, a bill to appropriate funds to Pinetree Enterprises to enable services to the mentally and physically handicapped.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1296, a bill to appropriate funds for equalization of Medicaid reimbursement fees for equal services of primary care providers.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1297, a bill to appropriate funds to the Fayetteville Business and Professional League for its Outreach Program.
Referred to **Appropriations Committee.**

By Senators Rand and Smith:

S.B. 1298, a bill to provide State and local government law enforcement officers retired prior to August, 1981, with additional post-retirement increases to supplement any other such increases for retired employees and their beneficiaries provided by the General Assembly beginning July 1, 1987.
Referred to **Pensions and Retirement Committee.**

By Senator Rand:

S.B. 1299, a bill to remove reemployment earnings restrictions on retired disabled law enforcement officers and on retired University employees exempt from the State Personnel Act.
The Chair orders the bill held as filed, pursuant to Rule 41.

By Senators Sands and Goldston:

S.B. 1300, a bill to appropriate funds for the Elkin Recreational Center.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1301, a bill to appropriate funds to the Town of Stoneville for revitalization projects.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1302, a bill to appropriate funds for the Dobson Community Center.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1303, a bill to appropriate funds to Stokes County for public projects.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1304, a bill to appropriate funds to improve the Mt. Airy Police Department radio system.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1305, a bill to appropriate funds for the Madison-Mayodan Recreation Center.
Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1306, a bill to appropriate funds for the North Carolina Supercomputer Program.
Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1307, a bill to make certain property transfers on or before January 1, 1988.
Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1308, a bill creating the Legislative Budget Commission.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler and Conder:

S.B. 1309, a bill to appropriate funds for a civic and arts center and auditorium in Anson County.
Referred to **Appropriations Committee.**

By Senator Plyler:

S.B. 1310, a bill to appropriate funds.
Referred to **Appropriations Committee.**

By Senators Plyler, Conder, and Rand:

S.B. 1311, a bill to appropriate funds for a building to house the School of Social Work at the University of North Carolina at Chapel Hill.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1312, a bill to appropriate funds to Stanly County for a volunteer fire communications system.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1313, a bill to appropriate funds to the Union County Community Health Service for equipment.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1314, a bill to appropriate funds to the Winchester School Center for program development.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1315, a bill to appropriate funds for renovation of the PCA building at Edgecombe Tech.
Referred to **Appropriations Committee.**

By Senator Harrington:

S.B. 1316, a bill to appropriate funds to continue the public service programs of the Northeast Human Development Center.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1317, a bill to appropriate funds for the planning, design and construction of a State Judicial Center Building.
Referred to **Appropriations Committee.**

By Senators Sherron, Johnson of Wake, and Staton:

S.B. 1318, a bill to appropriate funds to YWCA of Wake County for playground equipment for the Oberlin Road and Hargett Street sites.
Referred to **Appropriations Committee.**

By Senator Smith:

S.B. 1319, a bill to appropriate funds for the additional rehabilitation of the Spencer Shops Historic Site.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1320, a bill to expand the definition of service for the purpose of calculating longevity pay for Clerks of Superior Court to include service as an assistant, deputy, or acting clerk.
Referred to **Judiciary IV Committee.**

By Senator Taft:

S.B. 1321, a bill to appropriate funds to the Town of Grifton for depot and town improvements.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1322, a bill to appropriate funds to the City of Greenville.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1323, a bill to appropriate funds to Tri-County services for abused spouses.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1324, a bill to appropriate funds to Elm City emergency services.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1325, a bill to appropriate funds to the City of Eden for recreational facilities.
Referred to **Appropriations Committee.**

By Senators Goldston and Sands:

S.B. 1326, a bill to appropriate funds for renovation of the Jones House in Boone.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 52, a bill to convert Edgecombe, Nash, and Richmond Technical Colleges to Community Colleges.
Referred to **Appropriations Committee.**

H.B. 152 (Committee Substitute), a bill to provide qualified immunity from civil liability in tort for volunteers of nonprofit charitable organizations.
Referred to **Judiciary II Committee.**

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts.
Referred to **State Government Committee.**

H.B. 310, a bill to permit local Boards of Education to give notice of a decision on pupil reassignment by registered or certified mail.
Referred to **Education Committee.**

H.B. 318 (Committee Substitute), a bill to classify property owned by certain non-profit homes for the aged, sick or infirm and exclude this property from taxation.
Referred to **Finance Committee.**

H.J.R. 320, a joint resolution requesting that the Governor of North Carolina consider the appointment of citizens 60 years of age or older to boards and commissions in equal proportion to their population in the State of North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 333 (Committee Substitute), a bill to provide an additional procedures for merger of School Administrative Units.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 432, a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly or the Senate.
Referred to **Judiciary IV Committee.**

H.B. 541, a bill to eliminate the death penalty for persons seventeen years of age or younger.
Referred to **Judiciary I Committee.**

H.B. 551 (Committee Substitute), a bill concerning voluntary admissions and discharges of minors at facilities for the mentally ill and substance abusers.
Referred to **Human Resources Committee.**

H.B. 564 (Community Substitute), a bill to authorize research involving voluntary clients at State facilities for the mentally ill.
Referred to **Human Resources Committee.**

H.B. 566, a bill to require that abortion remains be disposed of in a humane manner limited to burial, cremation or hospital approved type of incineration.
Referred to **Human Resources Committee.**

H.B. 628, a bill to require that headlights be illuminated in the fog.
Referred to **Transportation Committee.**

H.B. 726 (Committee Substitute), a bill to provide for the SBI to investigate crimes concerning civil disorder.
Referred to **Judiciary II Committee.**

H.B. 744 (Committee Substitute), a bill to establish the Lake Wylie Marine Commission.
Referred to **Finance Committee.**

H.B. 763, a bill to permit the Teachers' Retirement System and the Local Governmental Employees' Retirement System to obtain the addresses of members, beneficiaries and beneficiaries of deceased members from other State agencies, departments and institutions in order to notify them of benefit entitlements.
Referred to **Pensions and Retirement Committee.**

H.B. 785 (Committee Substitute), a bill to make technical corrections to the insurance law and to assist insureds in replacing coverage from insolvent insurance companies.
Referred to **Insurance Committee.**

H.B. 787, a bill to require vocational teachers in division of youth services training schools to be subject to the Criminal Justice Training and Standards.
Referred to **Education Committee.**

H.B. 814, a bill to convert Cleveland Technical College to a Community College.
Referred to **Higher Education Committee.**

H.J.R. 843 (Committee Substitute), a joint resolution honoring High Hammond Bennett, the Father of soil conservation, and commemorating the 50th Anniversary of the Brown Creek Soil and Water Conservation District.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 929, a bill to authorize a metropolitan sewerage district to require connection to the metropolitan sewerage system lines.
Referred to **Judiciary II Committee.**

H.B. 931 (Committee Substitute), a bill to provide remedies for consumers of new motor vehicles that do not conform to express warranties.
Referred to **Judiciary IV Committee.**

H.B. 936, a bill to provide a procedure for annexation of municipal property.
Referred to **Judiciary IV Committee.**

H.B. 1024, a bill to provide the employee lifetime entitlement to artificial members as allowable medical treatment and supplies for a compensable injury.
Referred to **Manufacturing and Labor Committee.**

H.B. 1046, a bill to require that the State Board of Examiners for Nursing Home Administrators consider comparable professional experience when granting exemptions for internship as administrators-in-training.
Referred to **Human Resources Committee.**

H.B. 1102 (Committee Substitute), a bill regarding the contents of teachers' personnel files.
Referred to **Education Committee.**

H.B. 1122, a bill to allow real property to be disposed of by redevelopment commissions at sealed bids and by exchange.
Referred to **Judiciary I Committee.**

H.B. 1139, a bill to lower the liability insurance requirements for certain amusement devices.
Referred to **Insurance Committee.**

H.B. 1258, a bill relating to the authority of banks to make loans to executive officers.
Referred to **Commerce Committee.**

H.B. 1990, a bill to allow the City of New Bern to provide reasonable relocation assistance to persons displaced as a result of dilapidated residences being demolished under a rehabilitation program as part of a community development activity or program.
Referred to **Local Government and Regional Affairs II Committee.**

S.B. 425, a bill to establish the purposes of the State Parks System, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, Thursday, May 28.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 672, a bill to provide for the nonpartisan election of the Iredell County Board of Education at the time of the general election, to expand the Board from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners.

Senator Warren moves the adoption of Committee Amendment No. 1.

Senator Simpson rises to a point of order as to the Amendment having been defeated in committee being properly before the Senate.

The Chair rules the Committee report reflects a favorable, as amended, report and the amendment is properly before the Senate.

Senator Cobb rises to a point of order as to the failure of the Committee Chairman to notify the sponsor as to the time and place of the meeting and the consideration of **S.B. 672**, pursuant to Rule 33, which point of order he subsequently withdraws.

The Chair orders the bill with Committee Amendment No. 1 pending, recommitted to the **Education Committee**.

H.B. 767, (Committee Substitute), a bill to authorize Dare County to dispose of property by private sale in connection with a lease-purchase arrangement for construction of a law enforcement center and jail.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 909, a bill to authorize the City of Southport to adopt and enact ordinances regulating the removal, replacement, and preservation of trees within the City's territorial jurisdiction.

The bill passes its second and third readings and is ordered enrolled.

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition, upon second reading.

Receiving a three-fifths affirmative majority vote, the bill passes its second reading by roll-call vote, ayes 37, noes 7, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Soles, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: Senators Cobb, Kincaid, McDuffie, Shaw, Simpson, Smith, and Somers--7.

The bill remains on the Calendar for tomorrow for further consideration, upon third reading.

S.B. 409 (Committee Substitute), a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Block offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow, for further consideration.

S.B. 412 (Committee Substitute), a bill to modify the licensing of commercial truck drivers.

Senator Speed offers Amendment No. 1 which he subsequently withdraws.

The Committee Substitute bill passes its second reading (electronically recorded).

After further dabate, the Committee Substitute bill passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 502, a bill to provide that State retirement is not marital property available for equitable distribution.

The bill passes its second reading (electronically recorded).

On objection of Senator Marvin to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 733 (Committee Substitute), a bill pertaining to driver education.

Senator Goldston offers Amendment No. 1 which is adopted (electronically recorded).

Senator Goldston offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 762, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located, by the Commission for Health Services, and by the Environmental Management Commission before approval of a permit by the Department of Human Resources can be given, with Amendment No. 2 pending.

Without objection, Senator Barker withdraws Amendment No. 2.

Senator Barker offers Amendment No. 3 which is adopted (electronically recorded) changing the title to read, **S.B. 762**, a bill forbidding the placing of solid-radioactive waste from outside North Carolina without prior inspection and certification by the North Carolina Department of Human Resources.

On motion of Senator Barker, the bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

S.B. 777 (Committee Substitute), a bill to strengthen joint custody where custody of children is at issue.

On motion of Senator Swain, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Royall objects to the third reading of the Committee Substitute bill, as amended, which objection he subsequently withdraws.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H.B. 1159, a bill to establish an aging policy plan for North Carolina.

On motion of Senator Richardson, Committee Amendment No. 1 is adopted.

Senator Rand, Chairman of the **Base Budget Committee** requests a fiscal note.

The Chair places the bill on the Calendar for Friday, May 29, for receipt of a fiscal note.

S.B. 241, a bill to alter the statute of limitations for malpractice actions on behalf of minors, as amended, upon third reading.

Senator Sands offers Amendment No. 2, amending Amendment No. 1, which fails of adoption (electronically recorded).

Senator Johnson of Wake calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 579, a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 346, a bill to provide for the Governor and Council of State to be elected in 1998 and quadrennially thereafter, with a one-time six-year term election in 1992 so as to provide transition, upon third reading, having passed its second reading earlier today.

The Chair announces the bill, without objection, shall be read a third time today.

Receiving a three-fifths affirmative majority vote, the bill passes its third reading by roll-call vote, ayes 36, noes 6, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: Senators Allran, Bryan, Cobb, McDuffie, Simpson, and Smith--6.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

WITHDRAWAL FROM CALENDAR

S.B. 870 (Committee Substitute), a bill to reorganize the Marine Fisheries Commission, upon second reading.

Without objection, on motion of Senator Basnight the Committee Substitute bill is taken from the Calendar for tomorrow, May 28 and is placed before the Senate for immediate consideration.

On motion of Senator Basnight, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--42.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration, upon third reading.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators.
Referred to **Judiciary I Committee.**

H.B. 641 (Committee Substitute), a bill to redefine the newspapers eligible to accept legal advertising in the Towns of Mint Hill, and Matthews.
Referred to **Local Government and Regional Affairs II Committee.**

H.B. 923, a bill authorizing the City of Durham to establish, impose and collect facilities fees on new construction within the City and the City's extraterritorial jurisdiction area.
Referred to **Local Government and Regional Affairs I Committee.**

H.B. 992, a bill to amend Chapter 159, the same being the Local Government Finance Act, to authorize general obligation bonds and notes to be made payable on demand or tender and to bear variable interest rates, to permit a designee of the governing board of the issuing unit to approve the sale price of bonds, to make certain amendments in the procedure for the sale of bonds, and to permit the sale of bonds at less than the face amount thereof.
Referred to **Finance Committee.**

H.B. 1011, a bill to replace the public school central payroll with a Uniform Education Reporting System.
Referred to **Education Committee.**

H.B. 1040 (Committee Substitute), a bill to allow military absentee voters to apply for absentee ballots for all the elections in a calendar year.
Referred to **Election Laws Committee.**

On motion of Senator Harrington, seconded by Senator Thomas, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, May 28, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, Thou hast been our refuge and our strength all the days of our lives, and for this we give Thee thanks. Now we ask Thy special blessing upon us on this hectic day in the life of the General Assembly. The workload has increased, and the pace has become frantic as we seek to meet our deadline for the introduction and passage of bills.

"We thank Thee for our Lieutenant Governor, our secretaries, and the staff of the Senate who are working so hard to help us get our work done.

"Now we pray Thee to give us patience as we work with one another, and to help us not to try the patience of others. Deliver us from long speeches and short tempers. Help us to express our ideas with brevity and conviction. Give us attentive ears and perceptive minds as we listen to the concerns and speeches of others.

"Enable us to move with all deliberate speed, but deliver us from moving with such haste that we pass shoddy legislation, and grant that the bills which we pass this day may bring honor to our labor and good to the people of our great State. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Kaplan.

Senator Richardson rises to a point of personal privilege as to the participation of Senator James McDuffie in the local Mecklenburg County Senior Games. (See Appendix)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee:**

S.B. 672, a bill to provide for the nonpartisan election of the Iredell County Board of Education at the time of the general election, to expand the Board from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners, with a favorable report, as amended.

On motion of Senator Warren, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted, changing the title to read, **S.B. 672**, a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

H.B. 387, a bill to provide the Cities of Statesville and Morganton and authority to acquire property for a post office by eminent domain, and transfer that property to the United States Postal Service by private lease or sale, with a favorable report.

H.B. 818, a bill to extend the corporate limits of the Town of Hillsborough, with a favorable report, as amended.

On motion of Senator Hunt of Moore, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered re-referred to the **Finance Committee.**

H.B. 668, a bill to rewrite the Charter of the Town of Carrboro, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hunt of Moore, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Hunt of Moore, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

S.B. 958, a bill to permit a member of the Teachers' and State Employees' Retirement System to purchase certain creditable service rendered as a public health officer, with an unfavorable report.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 767, (Committee Substitute), an act to authorize Dare County to dispose of property by private sale in connection with a lease-purchase arrangement for construction of a law enforcement center and jail. (Ch. 241)

H.B. 909, an act to authorize the City of Southport to adopt and enact ordinances regulating the removal, replacement, and preservation of trees within the City's territorial jurisdiction. (Ch. 242)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner and Swain:

S.B. 1327, a bill to appropriate funds to establish a public guardian for the indigent wards of Buncombe County.
Referred to **Appropriations Committee.**

By Senators Barker, Basnight, Block, Guy, Martin of Pitt, and Rand:

S.B. 1328, a bill to authorize the Legislative Research Commission to study the issue of the growth of tourism and its effect on the economic growth of North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Block:

S.B. 1329, a bill to appropriate funds for the North Carolina Cued Speech Association to offer workshops on how to use cued speech.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1330, a bill to appropriate funds to Mother's Helper of Wilmington, N.C. to help provide indigent mothers with early childhood care.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1331, a bill to appropriate funds to New Hanover County Extension Service Arboretum for further development.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1332, a bill to appropriate funds to restore Pine Forest Cemetery, a public cemetery of historical significance in Wilmington.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1333, a bill to appropriate funds to Brigade Boys Club for capital improvements.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1334, a bill to appropriate funds to Cape Fear Area United Way.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1335, a bill to appropriate funds to Myrtle Grove Community Center for repairs and upgrading of that facility.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1336, a bill to appropriate funds to the Salvation Army in New Hanover County for capital improvements.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1337, a bill to appropriate funds to American Legion Post #10 to erect a monument to U. S. Servicemen.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1338, a bill to appropriate funds to families in crisis to help support its services to family members of inmates.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1339, a bill to appropriate funds to the Robeson County Committee of 100, Inc., to produce a film on Robeson County.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1340, a bill to appropriate funds to the Robeson County Bicentennial Foundation Incorporated, for 200th Anniversary.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1341, a bill to appropriate funds to the Town of Marietta for the Whitehouse Volunteer Fire Department to purchase a fire truck.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1342, a bill to appropriate funds to fire departments in Pitt and Edgecombe Counties.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1343, a bill to appropriate funds for the Cedar Grove Branch of the NAACP for the ACT-SO Program.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1344, a bill to appropriate funds for the Fourth of July Festival in Southport.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1345, a bill to appropriate funds to Bladen County for capital expenses of the 4-H program.
Referred to **Appropriations Committee.**

By Senator Bryan:

S.B. 1346, a bill to appropriate funds to the Department of Human Resources for the "Kelly Street, U.S.A." and "Crossroads" projects.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1347, a bill to appropriate funds to Northeastern Education and Development Foundation.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1348, a bill to appropriate funds to Elizabeth City for operating expenses, for Hopeline in Elizabeth City.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1349, a bill to appropriate funds to the Town of Manteo to establish a Hopeline.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1350, a bill to appropriate funds for the Museum of the Cape Fear.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1351, a bill to appropriate funds to the Pitt County Board of Commissioners to assist that County's activities.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1352, a bill to appropriate funds to Martin Community Players.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1353, a bill to appropriate funds to the University of North Carolina for funds related to East Carolina University.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1354, a bill to appropriate funds to fire departments in Beaufort County.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1355, a bill to appropriate funds to rescue squads in Beaufort County.
Referred to **Appropriations Committee.**

By Senator Ward:

S.B. 1356, a bill to clarify the responsibilities of the Departments of Human Resources and Public Education for the Adolescent Substance Abuse Program and to appropriate funds to this Program.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1357, a bill to appropriate funds for the Greene County Council on Aging.
Referred to **Appropriations Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 1358, a bill to appropriate funds for the Family Violence and Rape Crisis Association of Lee County to fund personnel costs, public education programs, and the purchase of a shelter.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1359, a bill to appropriate funds to the General William C. Lee Memorial Commission, Inc., for museum exhibit cases.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1360, a bill to appropriate funds for the Duplin County Education Foundation for operating expenses.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1361, a bill to appropriate funds to the County of Duplin for the Duplin County Monument Committee for capital expenses.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1362, a bill to appropriate funds to the Rose Hill Recreation Department for operating expenses.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1363, a bill to appropriate funds to Jones County for operating expenses of its agricultural center.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1364, a bill to appropriate funds for operating expenses of Lenoir Law Enforcement Department.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1365, a bill to appropriate funds to fire departments in Pender, Jones, and Lenoir Counties.
Referred to **Appropriations Committee.**

By Senator Winner:

S.B. 1366, a bill to create the Legislative Efficiency Study Commission.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Thomas and Hipps:

S.B. 1367, a bill to appropriate funds for Haywood, Jackson, Swain, Macon, Cherokee, Clay, and Graham Counties' Dispute Settlement Centers.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1368, a bill to appropriate funds to the Friends of the Page-Walker Hotel for the restoration of the Historic Page-Walker Hotel to be used as an arts and history center.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1369, a bill to appropriate funds to the Town of Apex for recreational programs.
Referred to **Appropriations Committee.**

By Senator Walker:

S.B. 1370, a bill to appropriate funds for Triangle Land Conservancy land use programs.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1371, a bill to appropriate funds for the Mecklenburg County Office of Minority Affairs.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1372, a bill to appropriate funds to the Gethsemane Enrichment Program.
Referred to **Appropriations Committee.**

By Senator Bryan:

S.B. 1373, a bill to appropriate funds for the Iredell County Council on Aging, Inc.
Referred to **Appropriations Committee.**

By Senator Bryan:

S.B. 1374, a bill to appropriate funds for the renovation of the Iredell County Courthouse.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1375, a bill to appropriate funds for equipment for the Lucama Fire Department.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1376, a bill to appropriate funds to the East Carolina Council, Boy Scouts of America, for renovations to Camp Charles.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1377, a bill to appropriate funds to the Wilson County Fireman's Association for equipment purchases.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1378, a bill to appropriate funds to the Roanoke Valley Youth Soccer Association for development and maintenance of soccer fields.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1379, a bill to appropriate funds to the Nash County Babe Ruth League, Inc., for construction of a baseball field.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1380, a bill to appropriate funds to the Roanoke Rapids Public Library to purchase books.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1381, a bill to appropriate funds to Roanoke Rapids Board of Education for renovation to the high school auditorium.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1382, a bill to appropriate funds to Union Mission of Roanoke Rapids for operating expenses.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1383, a bill to appropriate funds to the State Theater of North Carolina in Flat Rock for renovations to the dormitory and dining hall facilities.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1384, a bill to appropriate funds to the Town of Winterville for various projects.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1385, a bill to appropriate funds to rescue squads in Pitt County.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1386, a bill to appropriate funds to the Town of Ayden for various projects.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1387, a bill to appropriate funds for a library at Blue Ridge Technical College.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1388, a bill to appropriate funds to Scotland County for literacy program.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1389, a bill to appropriate funds for water and sewer lines to various State-owned properties and to Anson Technical College.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1390, a bill to appropriate funds to the City of Monroe for parks.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1391, a bill to appropriate funds for the Greene County Council on Aging.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1392, a bill to appropriate funds to provide an additional park ranger for Waynesborough Park in Wayne County.
Referred to **Appropriations Committee.**

By Senator Barnes:

S.B. 1393, a bill to appropriate funds to construct an office complex in Wayne County for the North Carolina Forestry Service.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1394, a bill to appropriate funds for Lenoir County psychiatric in-patient services.
Referred to **Appropriations Committee.**

By Senators Plyler, Basnight, Harrington, Martin of Pitt, Parnell, Rand, Rauch, and Royall:

S.B. 1395, a bill to revise the administration of the Teachers' and State Employees' Comprehensive Major Medical Plan.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1396, a bill to appropriate funds to the Richmond Community Theatre.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1397, a bill to appropriate funds to the Cued Speech Center for programs development.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1398, a bill to appropriate funds to rescue squads in Franklin County.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1399, a bill to appropriate funds to strengthen delivery of pediatric physical therapy services.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1400, a bill to appropriate funds for job opportunities for the mentally handicapped.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1401, a bill to appropriate funds to the Town of Henderson for a farmers market.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1402, a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof.
Referred to **Finance Committee.**

By Senators Speed and Harrington:

S.B. 1403, a bill to appropriate funds to the North Carolina Senior Citizens' Federation for its community service projects.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1404, a bill to appropriate funds for a preschool program for poor children.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1405, a bill to appropriate funds for family violence intervention.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1406, a bill to appropriate funds to the Tammy Lynn Center for facilities construction.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1407, a bill to appropriate funds to fire departments in Wake County.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1408, a bill to appropriate funds to the Town of Youngsville for renovation of the Town Hall.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1409, a bill to appropriate funds to the Ballet Theater Company of Raleigh to promote ballet for children.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1410, a bill to appropriate funds to the Tammy Lynn Memorial Foundation for its on-going programs.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1411, a bill to appropriate funds to Learning Together, Inc., for the expansion of provisional services.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1412, a bill to appropriate funds to the Shelley School Child Development Center for its on-going programs.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1413, a bill to appropriate funds for kitchen renovations at the Samaritan Colony.
Referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 1414, a bill to appropriate funds for a day school for severely mentally impaired and handicapped children.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1415, a bill to appropriate funds to Yancey County for a communications system for emergency medical service providers.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1416, a bill to appropriate funds to enhance the arts for students in Pender County Schools.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1417, a bill to appropriate funds to the Southeastern Sickle Cell Association to help educate citizens about sickle cell anemia and to assist patients suffering from sickle cell anemia.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1418, a bill to appropriate funds for Canetuck Community Center.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1419, a bill to appropriate funds to replace band uniforms for the marching band at Topsail Junior-Senior High School.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1420, a bill to appropriate funds to the Katie B. Hines Senior Center Inc., for supplies and equipment.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1421, a bill to appropriate funds to Carolina Beach Rescue Squad.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1422, a bill to appropriate funds to rescue squads in Edgecombe County.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1423, a bill to appropriate funds to update lab equipment at Robersonville Community Hospital.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1424, a bill to appropriate funds for restoration of Old Courthouse in Martin County.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1425, a bill to appropriate funds for the Bethel Library.
Referred to **Appropriations Committee.**

By Senators Rand, Hipps, Hunt of Durham, Martin of Pitt, Martin of Guilford, Richardson, and Walker:

S.B. 1426, a bill to appropriate funds to the North Carolina Housing Trust Fund.
Referred to **Appropriations Committee.**

By Senators Hipps and Thomas:

S.B. 1427, a bill to appropriate funds to various western North Carolina Schools.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1428, a bill to appropriate funds to Rescue Squads in Martin County.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1429, a bill to appropriate funds for band equipment in Pitt County.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1430, a bill to appropriate funds to the Pamlico-Tar River Foundation for environmental studies.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1431, a bill to appropriate funds to fire departments in Martin County.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1432, a bill to appropriate funds to the Alamance Arts Council to support its arts programs and operating expenses.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1433, a bill to appropriate funds to the Person-Caswell Lake Authority for capital improvements to the public sewer facilities of Hyco Lake Public Park.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1434, a bill to appropriate funds for the completion of and capital improvements to the Caswell County Civic Center.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1435, a bill to appropriate funds to purchase an emergency services communications tower in Caswell County.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1436, a bill to appropriate funds to Caswell County for Arts & History, Inc.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1437, a bill to appropriate funds to the Snow Camp Historical Drama Society to support and develop an outdoor drama on the underground railroad movement.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1438, a bill to appropriate funds to the Alamance Historical Properties Commission to restore McRae School.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1439, a bill to appropriate funds to the North Carolina Division of Marine Fisheries for an airplane.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1440, a bill to clarify the requirement for a nonresident bear hunting license.
The Chair orders the bill held as filed, pursuant to Rule 41.

By Senator Basnight:

S.B. 1441, a bill to appropriate funds to Hyde County for the five volunteer fire departments in that County.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1442, a bill to appropriate funds for the Transylvania County Dispute Settlement Center.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1443, a bill to appropriate funds for the Polk County Dispute Settlement Center.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1444, a bill to appropriate funds to the Graham County Board of Education to purchase a school bus.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1445, a bill to appropriate funds to the Harold D. Cooley Library in Nash County for building fund.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1446, a bill to appropriate funds for the Red Oak Community Center.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1447, a bill to appropriate funds for the preservation of Old Baldy Lighthouse.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1448, a bill to appropriate funds for the Friends of the Leland Library.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1449, a bill to appropriate funds for capital improvements to Hope Harbor Home in Brunswick County.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1450, a bill to appropriate funds to fire departments and rescue squads in Columbus County.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1451, a bill to appropriate funds for capital improvements for the Fifth District Civic Center.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1452, a bill to appropriate funds to the Town of Calabash for water lines for the Town.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1453, a bill to appropriate funds for the South Brunswick Boosters for athletic equipment.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1454, a bill to appropriate funds for the North Brunswick High School Athletic Boosters for athletic equipment.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1455, a bill to appropriate funds for the Mingo Community Building.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1456, a bill to appropriate funds to Martin County for local grants.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1457, a bill to appropriate funds for the Maple Hill Civic Club.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1458, a bill to appropriate funds for Coastal Recreations, Inc., to help provide a recreational facility and recreational activities for citizens in the Topsail Township area.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1459, a bill to appropriate funds to Headstart of New Hanover County.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1460, a bill to appropriate funds to Ogden Volunteer Rescue Squad, Inc.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1461, a bill to appropriate funds for the Asheville Creative Retirement Center.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1462, a bill to appropriate funds for planning for an Asheville conference and meeting center.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1463, a bill to appropriate funds for the Asheville Graduate Center.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1464, a bill to appropriate funds the Allied Churches of Alamance County to purchase property for a shelter for the homeless.
Referred to **Appropriations Committee.**

By Senator Plyler:

S.B. 1465, a bill to appropriate funds for a SAT workshop.

Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1466, a bill to appropriate funds to the Warren Memorial Clinic for a new community health center in Brunswick County.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1467, a bill to appropriate funds to Wesley Hall of Alamance for operating expenses.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1468, a bill to appropriate funds for the Alamance County Fire Marshall's Office for training materials, equipment and upgrading fire training center.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1469, a bill to appropriate funds for the establishment of an educational foundation in Caswell County.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1470, a bill to appropriate funds for the Gunn Memorial Public Library in Caswell County.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1471, a bill to appropriate funds to various towns in Wake and Franklin Counties for senior citizens programs.
Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1472, a bill to appropriate funds to Holly Springs Rural Fire Department for fire fighting equipment.
Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1473, a bill to appropriate funds to the N.C. Museum of Life and Science for operating expenses.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1474, a bill to appropriate funds for arts programs in Pitt and Wilson Counties.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1475, a bill to appropriate funds for vocational rehabilitation programs in Edgecombe and Wilson Counties.
Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 1476, a bill to expand the definition of service for the purpose of calculating longevity pay for Clerks of Superior Court to include service as an assistant, deputy, or acting clerk.
Referred to **Judiciary IV Committee.**

By Senator Block:

S.B. 1477, a bill to appropriate funds for Pender County fire departments and rescue squads.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1478, a bill to appropriate funds for the Pender County Library.
Referred to **Appropriations Committee.**

By Senator Marvin:

S.B. 1479, a bill to appropriate funds for the elimination of internal caps and for a contingency fund for exceptional children's education.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1480, a bill to appropriate funds to the City of Williamston for Moratoc Park.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1481, a bill to appropriate funds for the Washington/Beaufort Civic Center.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1482, a bill to appropriate funds for the Aurora and Beaufort-Hyde-Martin Libraries.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1483, a bill to appropriate funds to fire departments in Pitt County.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1484, a bill to appropriate funds for capital improvements at Asheville-Buncombe Technical College.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1485, a bill to appropriate funds for the Hamlet Library funds.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1486, a bill to appropriate funds to the J.R. Faison Community Center.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1487, a bill to appropriate funds for Child Care Directions.
Referred to **Appropriations Committee.**

By Senator Seymour:

S.B. 1488, a bill to appropriate funds for the North Carolina Shakespeare Festival.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 91, a joint resolution honoring the life and memory of Dr. Ronald E. McNair, astronaut and distinguished scientist.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 133 (Committee Substitute), a bill to provide that the same type of joint accounts and trusts accounts are available to customers of all financial institutions as recommended by the General Statutes Commission.
Referred to **Commerce Committee.**

H.B. 164, a bill to prohibit the investment of retirement and University trust funds in certain companies involved with South Africa.
Referred to **Pensions and Retirement Committee.**

H.J.R. 313, a joint resolution honoring the life and memory of Michael Smith, one of the Challenger astronauts.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 354 (Committee Substitute), a bill to prohibit the abuse of patients or residents in residential health care facilities.
Referred to **Judiciary II Committee.**

H.B. 376 (Committee Substitute), a bill to make the decision of Superior Court binding when it affirms the decision of the Personnel Commission and to require that notice be given to the County when a local employee files an action pursuant to G.S. 126-37 against most local appointing authorities and to make that ensuing decision of Superior Court binding on the county.
Referred to **Judiciary I Committee.**

H.B. 415, a bill amending Chapter 632 of the 1985 Session Laws relating to minority and women's business enterprise participation requirements.
Referred to **Judiciary I Committee.**

H.B. 714, a bill to provide a procedure for the withdrawal of a right-of-way dedicated for a future street.
Referred to **Transportation Committee.**

H.B. 734 (Committee Substitute), a bill to prohibit the possession of opened containers of alcoholic beverages in motor vehicles.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 790 (Committee Substitute), a bill to amend the law pertaining to the public school calendar and to make a conforming change in the law respecting the workweek of occupational education teachers.
Referred to **Education Committee.**

H.B. 793 (Committee Substitute), a bill to redefine the relationship of State Personnel Commission policies and coverage by selected portions of the State Personnel Act to teaching employees of the Departments of Human Resources and Correction.
Referred to **State Personnel Committee.**

H.B. 863 (Committee Substitute), a bill providing for the election of the Pitt County Board of Commissioners.
Referred to **Election Laws Committee.**

H.B. 911 (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications.
Referred to **State Personnel Committee.**

H.B. 944 (Committee Substitute), a bill to authorize an additional deputy sheriff and an additional deputy register of deeds in each county.
Referred to **Judiciary III Committee.**

H.B. 1053 (Committee Substitute), a bill to require that at least thirty-five percent of the proceeds from bingo games be used for charitable purposes.
Referred to **Judiciary I Committee.**

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes.
Referred to **Judiciary II Committee.**

H.B. 1061 (Committee Substitute), a bill to protect caves.
Referred to **Environment Committee.**

H.B. 1082 (Committee Substitute), a bill prescribing the jurisdiction of water and sewer authorities outside the county where its office is located.
Referred to **Judiciary III Committee.**

H.B. 1093 (Committee Substitute), a bill to permit the issuance of ABC licenses to sports clubs.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 1101 (Committee Substitute), a bill to regulate going out of business and distress sales.
Referred to **Judiciary IV Committee.**

H.B. 1132 (Committee Substitute), a bill to amend the definition of "injury" for purposes of the Workers' Compensation Act.
Referred to **Manufacturing and Labor Committee.**

H.B. 1219 (Committee Substitute), a bill to permit nonprofit organizations and political organizations to obtain permits for the sale of mixed beverages.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 1244 (Committee Substitute), a bill to clarify the authority of the Department of Human Resources over the Camp Butner Reservation.
Referred to **Human Resources Committee.**

H.B. 1260 (Committee Substitute), a bill mandating the Utilities Commission to require least-cost integrated energy management from utilities.
Referred to **Commerce Committee.**

H.B. 1270 (Committee Substitute), a bill to amend the law regarding school reassignment hearings.
Referred to **Education Committee.**

H.J.R. 1294 a joint resolution honoring the life and memory of Howard Holly.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 1790 (Committee Substitute), a bill regarding the sale of hogs by teleconference.
Referred to **Agriculture Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 338, a bill to annex additional territory to the Town of Fallston, upon second reading.
The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 375, a bill to annex property owned by the City of Brevard, upon second reading.
The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 449, a bill to extend the corporate limits of the Town of Murphy, upon second reading.
The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 496, a bill to extend the corporate limits of the Town of Ranlo to include town-owned property, upon second reading.
The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 497, a bill to extend the corporate limits of the Town of Dallas, North Carolina, upon second reading

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 502, a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees for police department capital improvements, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 526, a bill to increase the corporate limits of the Town of Polkville, upon second reading

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 884, a bill to allow the Town of Ahoskie to levy special assessments for street or sidewalk improvements, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 885, a bill to amend the Charter of the Town of Ahoskie, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 703, a bill to repeal the prohibition against bear hunting in Gates County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 748, a bill to prohibit hunting from the roads in part of Craven County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 776 (Committee Substitute), a bill to regulate the shining of lights in deer areas in the Counties of Bertie and Madison.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 870 (Committee Substitute), a bill to reorganize the Marine Fisheries Commission, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 555, a bill to amend Chapter 159D of the General Statutes pertaining to industrial and pollution control facilities pool program financing act, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 772, a bill to allow temporary rules for the issuance of bonds for private colleges, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt

of Durham, Hunt of Moore, Johnson of Cabarrus, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, and Winner--44.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 290, a bill to provide for issuance of personalized registration plates for commercial vehicles, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, and Ward--45.

Voting in the negative: Senator Winner--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 720, a bill to increase the fee for examination by the Board of Pharmacy, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: Senators Kincaid and Simpson--2.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1005, a bill to expand the membership of the Liability Insurance Trust Fund Council and to increase its borrowing authority, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 643 (Committee Substitute),a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 79, a bill to repeal inactive and obsolete statutes in Chapter 106, Agriculture.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 709, a bill to provide consistency and clarity to the guidelines established for the assessment of civil penalties under the Mining Act of 1971, the North Carolina Well Construction Act, and the Sedimentation Pollution Control Act of 1973.

Without objection, Senator Block is excused from voting for the stated reason: "I am involved in a case, representing a respondent affected by this bill."

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 771, a bill to provide immunity to members of the North Carolina Agricultural Finance Authority, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 which changes the title to read, **H.B. 771**, a bill to provide immunity to members of the North Carolina Agricultural Finance Authority and to clarify the rule-making procedures applicable to various agencies, upon concurrence.

S.B. 409 (Committee Substitute), a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law, as amended, upon third reading.

Senator Sands offers Amendment No. 3 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

S.B. 502, a bill to provide that State retirement is not marital property available for equitable distribution, upon third reading.

The bill fails to pass its third reading (electronically recorded).

S.B. 425, a bill to establish the purposes of the State Parks System, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners.

Referred to **Judiciary IV Committee**.

H.B. 509 (Committee Substitute), a bill to revise and rewrite Chapter 926, 1947 Session Laws, As Amended, pertaining to the Charlotte Firemen's Retirement System.

Referred to **Pensions and Retirement Committee**.

H.B. 583, a bill to amend the law regarding retirement as it applies to the Wilson Economic Development Council.

Referred to **Pensions and Retirement Committee**.

H.B. 587 (Committee Substitute), a bill to regulate the advertising of reduced or discounted fees for services by chiropractors.

Referred to **Finance Committee**.

H.B. 1003 (Committee Substitute), a bill to modify the maximum interest rate for credit cards.

Referred to **Commerce Committee**.

H.B. 1006 (Committee Substitute), a bill to convert all Community Colleges and Technical Institutes into Community Colleges.

Referred to **Higher Education Committee**.

H.B. 1052 (Committee Substitute), a bill to amend the Certificate of Need Law.
Referred to **Human Resources Committee.**

H.B. 1068, a bill to require parental or judicial consent for unemancipated minor's abortion.
Referred to **Judiciary I Committee.**

H.B. 1111 (Committee Substitute), a bill to require the registration of certain makers of mortgage loans on residential real property.
Referred to **Commerce Committee.**

H.B. 1204 (Committee Substitute), a bill to repeal the requirement that certain water and sewer authorities receive a certificate authorizing eminent domain before acquiring water rights, so as to recognize the special regional nature of those authorities, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed.
Referred to **Environment Committee.**

The President of the Senate recognizes Senator Rauch who notifies the Senate, pursuant to Rule 77, of his intention to introduce a Senate resolution to amend the Permanent Rules of the Senate.

On motion of Senator Royall, seconded by Senator Barker, the Senate adjourns to meet tomorrow at 9:30 A.M.

SEVENTY-NINTH DAY

SENATE CHAMBER,
Friday, May 29, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Conder, who has a speaking engagement, to Senator Parnell, who has a business appointment in Robeson County, to Senator Richardson, who has a dental appointment, and to Senators Kaplan and McDuffie.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Soles:

S.B. 1489, a bill to appropriate funds for the North Carolina Oyster Festival.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1490, a bill to appropriate funds for the West Brunswick Boosters Club for athletic equipment.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1491, a bill to appropriate funds to combat illiteracy in Brunswick County.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1492, a bill to appropriate funds to the Town of Knightdale.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1493, a bill to appropriate funds to options to assist victims of domestic violence and sexual assualt.
Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1494, a bill to appropriate funds to the Hyde County Sheriff's Department for Ocracoke.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1495, a bill to appropriate funds to the Town of Farmville.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1496, a bill to appropriate funds for senior citizens projects programs in Edgecombe and Pitt Counties.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1497, a bill to appropriate funds for tourism promotion in Pitt, Edgecombe, and Wilson Counties.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1498, a bill to appropriate funds to the Wilson County Emergency Management Agency for equipment to handle hazardous materials.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1499, a bill to appropriate funds for Wilson County 4-H Clubs for scholarships, conferences, and transportation.
Referred to **Appropriations Committee.**

By Senator Richardson:

S.B. 1500, a bill to appropriate funds the Charlotte-Mecklenburg Youth Council.
Referred to **Appropriations Committee.**

By Senator Hipps:

S.B. 1501, a bill to appropriate funds for Western Carolina University for the Center to Improve Mountain Living.
Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1502, a bill to appropriate funds to the St. Pauls Community Association for Progress.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1503, a bill to appropriate funds to the Department of Crime Control to establish pilot programs in Guilford County that provide comprehensive residential treatment as an alternative to incarceration for nonviolent prison bound felons and misdemeanants.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1504, a bill to permit the Legislative Research Commission to study the establishment of a State lottery.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Marvin:

S.B. 1505, a bill to provide that if the commitment order of a prisoner confined to a local confinement facility fails to provide for a disbursement from the prisoner's work-release earnings to pay for the cost of the prisoner's keep, the clerk of court shall forward the prisoner's earnings to the Department of Correction for appropriate disbursements to be made.
The Chair orders the bill held as filed, pursuant to Senate Rule 41.

By Senator Daniel:

S.B. 1506, a bill to appropriate funds to the Caswell County Historical Association, Inc.
Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1507, a bill to appropriate funds for the Pelham Community Center.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1508, a bill to appropriate funds for renovations to the former mountain horticultural crops research station and extension center for use by North Carolina State University.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1509, a bill to appropriate funds for the Western North Carolina Development Association.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1510, a bill to appropriate funds for agricultural projects at the Western North Carolina Farmer's Market.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1511, a bill to appropriate funds for the Western North Carolina Arboretum.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1512, a bill to appropriate funds for the Kellogg Estate Community Center.
Referred to **Appropriations Committee.**

By Senators Swain and Winner:

S.B. 1513, a bill to make allocations from the special reserve for oil overcharge funds for various projects in Buncombe County.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1514, a bill to appropriate funds to various towns in Wake County for recreation purposes.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1515, a bill to appropriate funds to the Kerr Area Rural Transit System for transportation services to the elderly.
Referred to **Appropriations Committee.**

By Senator Speed:

S.B. 1516, a bill to appropriate funds to the Shelley School Child Development Center for services to retarded children.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1517, a bill to appropriate funds to the Greater Washington Chamber of Commerce.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1518, a bill to appropriate funds for volunteers in partnership.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1519, a bill to provide that service for district court judges' longevity credit includes service as assistant district attorney.
Referred to **Judiciary IV Committee.**

By Senator Taft:

S.B. 1520, a bill to appropriate funds for Beaufort County emergency services.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1521, a bill to appropriate funds for the Blackbeard Outdoor Drama.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1522, a bill to appropriate funds for the Lick Log Players in Hayesville.
Referred to **Appropriations Committee.**

By Senator Ezzell:

S.B. 1523, a bill to appropriate funds for the formation of multiple employer trusts to provide health insurance.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1524, a bill to appropriate funds to the Rankin Museum for artifacts.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1525, a bill to appropriate funds for the Beaver Dam Community Center in Richmond County.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1526, a bill to appropriate funds to East Hamlet Community Concerned Citizens.
Referred to **Appropriations Committee.**

By Senator Sands:

S.B. 1527, a bill to provide for the assignment of a State-owned vehicle to a probation or parole officer.
Referred to **Appropriations Committee.**

By Senator Hipps:

S.B. 1528, a bill to appropriate funds for caring for Children, Inc., as a grant-in-aid to a private child-caring institution.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1529, a bill to appropriate funds for the Richmond County Arts Council.
Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 1530, a bill to appropriate funds for the Richmond County Arts Council.
Referred to **Appropriations Committee.**

By Senator Hardison:

S.B. 1531, a bill to appropriate funds for operating expenses of Lenoir Law Enforcement Department.
Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1532, a bill to appropriate funds to the Taylors Bridge Fire Department.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1533, a bill to appropriate funds to Jackson County for industrial development.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1534, a bill to appropriate funds for the Brevard City Police Department for drug law enforcement equipment.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1535, a bill to appropriate funds for the Transylvania County Sheriff's Department for drug law enforcement equipment.
Referred to **Appropriations Committee.**

By Senators Thomas and Hipps:

S.B. 1536, a bill to appropriate funds for the Transylvania Youth Association Community Center Building.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1537, a bill to appropriate funds to Pender County Board of Education for Pender High School.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1538, a bill to appropriate funds for the Pender County Sheriff's Department for capital expenditures.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1539, a bill to appropriate funds to Food Bank of the Lower Cape Fear to help support its public service project.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1540, a bill to appropriate funds to the Cape Fear Literacy Council.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1541, a bill to appropriate funds to the Association for individual development for the handicapped.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1542, a bill to appropriate funds for the Pender County Sheriff's Department to provide radios for the patrol cars.
Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1543, a bill to appropriate funds to Domestic Violence Shelter and Services of the Cape Fear Area.
Referred to **Appropriations Committee.**

By Senator Taft:

S.B. 1544, a bill to appropriate funds to East Carolina University for a Gerontology Program and a Regional Development Institute.
Referred to **Appropriations Committee.**

By Senators Taft and Martin of Pitt:

S.J.R. 1545, a joint resolution honoring the life and memory of Ray D. Minges, M.D.
The Chair orders the joint resolution held as filed, pursuant to Senate Rule 41.

By Senator Rauch:

S.R. 1546, to amend the permanent rules of the Senate of the 1987 General Assembly to clarify the applicability of the licensing board procedure established by Chapter 180 of the 1987 Session Laws to bills already introduced.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Taft:

S.B. 1547, a bill to appropriate funds to the E.C.U. Regional Development Institute for development of a North Carolina Aeronautical Museum.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1548, a bill to appropriate funds to Columbus County for a senior citizens center.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1549, a bill to appropriate funds to Columbus County for libraries.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1550, a bill to appropriate funds to Columbus County for renovation of an office building.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1551, a bill to appropriate funds to the Town of Fair Bluff.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1552, a bill to appropriate funds for the Ransom Activity Center.
Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1553, a bill to appropriate funds for the Lake Waccamaw Depot Museum.
Referred to **Appropriations Committee.**

The Chair declares the Senate in recess until 10:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O Lord, Thou art our shepherd, so we shall not want. Lead us away from this legislative jungle, and let us lie down and rest in green pastures. This week, we feel

like we have been shooting the rapids. Lead us this weekend beside the still waters, and renew our strength; so that with renewed zeal we may walk in paths of righteousness. Even though we walk through the very valley of the shadow of death, we will fear no evil; for Thou art with us. And even in the face of predators, evil, and death Thy rod and Thy staff they comfort us. Thou hast prepared a bountiful table before us; and we are safe in Your fellowship from our enemies who lie in wait for us outside the door of Your tent. We are weary from the fray of battle; but Thou doest refresh us by anointing our heads with oil and by giving us a cup that overflows with Your love and Your grace.

"When we concentrate on the avalanche of bills before this Body, we are overwhelmed with anxiety. But we pray for grace to concentrate on Your love and mercy; for then we find strength for the task that is before us this day; and then we are able to say with the Psalmist, surely goodness and mercy shall follow us all the days of our lives, and we shall dwell in the security of Your love and protection forever. Amen."

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 200 (Committee Substitute), a bill to amend Chapter 115C by adding Article 21A governing the confidentiality of personnel files of employees of local boards of education and to make other changes in employment practices.
Referred to **Education Committee.**

H.B. 397, a bill to provide that a defendant convicted of child abuse pay for rehabilitative treatment for the victim.
Referred to **Children and Youth Committee.**

H.B. 545, a bill to revise the purchase of creditable service in the Teachers' and State Employees' Retirement System for leaves of absence while in receipt of workers'compensation benefits.
Referred to **Pensions and Retirement Committee.**

H.B. 609, a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

H.B. 663 (Committee Substitute), a bill to provide qualified immunity from civil liability in defamation for members of nursing home advisory committees and domiciliary home advisory committees.
Referred to **Judiciary II Committee.**

H.B. 677, a bill to authorize area authorities to use State or local funds for the purchase or repair of 24-hour and day facilities.
Referred to **Human Resources Committee.**

H.B. 773 (Committee Substitute), a bill to prevent certain unfair methods of competition in the advertising and sale of insurance; to prevent the unauthorized use of confidential information in insurance sales; and to require the fair representation of policy benefits in Medicare supplement policies.
Referred to **Insurance Committee.**

H.B. 786 (Committee Substitute No. 2), a bill to require that treatment-related records accompany a juvenile to training school.
Referred to **Judiciary III Committee.**

H.B. 852, a bill to provide a contributory death benefit for retired members of the Teachers' and State Employees' Retirement System, the Legislative Retirement

System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee.**

H.B. 933, a bill to authorize continuance of the open seasons for foxes established in accordance with Chapter 1203 Session Laws 1981 (Regular Session 1982).
Referred to **Natural and Economic Resources and Wildlife Committee.**

H.B. 1018, a bill to allow a retiring member of the Teachers' and State Employees' Retirement System to receive service credit for up to 12 days of unused accumulated sick leave per year of membership service.
Referred to **Pensions and Retirement Committee.**

H.B. 1030 (Committee Substitute), a bill to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings.
Referred to **Judiciary III Committee.**

H.B. 1035, a bill to reduce the amount of liability insurance that must be possessed by certain bus lines operating only in North Carolina.
Referred to **Judiciary III Committee.**

H.B. 1064 (Committee Substitute), a bill to provide for early termination of residential rental agreements by military personnel in certain circumstances.
Referred to **Judiciary IV Committee.**

H.B. 1116, a bill to permit members of the Local Governmental Employees' Retirement System to purchase creditable service for federal employment.
Referred to **Pensions and Retirement Committee.**

H.B. 1126 (Committee Substitute), a bill to amend Chapter 42 to clarify the charging of late fees in a residential rental agreement.
Referred to **Judiciary IV Committee.**

H.B. 1133, a bill to strengthen the preference to be accorded veterans for State employment.
Referred to **State Personnel Committee.**

H.B. 1160 (Committee Substitute), a bill regarding access to and maintenance of private graves.
Referred to **Judiciary II Committee.**

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued.
Referred to **Children and Youth Committee.**

H.B. 1176 (Committee Substitute), a bill to amend the Employment Security Law.
Referred to **Judiciary IV Committee.**

H.B. 1210, a bill to amend the stay of execution on appeal from small claims actions.
Referred to **Judiciary II Committee.**

H.B. 1228, a bill to provide that in order to be compensable under The Workers' Compensation Act, a hernia must directly result from a specific traumatic incident.
Referred to **Manufacturing and Labor Committee.**

H.B. 1240, a bill to make certain changes in the law regarding fraudulent disposal of property.
Referred to **Judiciary II Committee.**

H.B. 1246, a bill to reduce the waiting period for applications for retirement from thirty days to one day in the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System.
Referred to **Pensions and Retirement Committee.**

H.B. 1261 (Committee Substitute), a bill to provide that obtaining property by false pretenses shall include obtaining money for the promotion of a future professional performance with the intent to cheat or defraud.
Referred to **Judiciary III Committee.**

H.B. 1269 (Committee Substitute), a bill to allow boards of education to elect superintendents in months other than April.
Referred to **Education Committee.**

H.B. 1285, a bill to clarify the sponsoring of meetings of professional organizations.
Referred to **Judiciary III Committee.**

H.B. 1299, a bill regulating solid waste flow control in counties with a population of 400,000 or over.
Referred to **Environment Committee.**

EXECUTIVE ORDERS

Executive Order 49, Governor's Advisory Commission on Military Affairs.
Referred to **State Government Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Environment Committee:**

H.B. 379, a bill to make aquatic weed control projects eligible for cost sharing, with a favorable report.

H.B. 713, a bill to minimize the legal liability of good samaritans assisting in preventing or cleaning up discharges of hazardous materials, with a favorable report.

H.B. 805, a bill to establish penalties for failure to remove prohibited discharges, with a favorable report.

H.B. 806, a bill to establish penalties for prohibited discharges in violation of G.S. 143-214.2, with a favorable report.

By Senator Harris for the **Human Resources Committee:**

H.B. 332 (Committee Substitute), a bill to change the sunset and other provisions of the law regarding damages to certain personal property, with a favorable report.

H.B. 398, a bill to amend the bedding law, with a favorable report.
On motion of Senator Harris, the bill is re-referred to the **Finance Committee.**

H.B. 514, a bill to amend G.S. 130A-335(c) and (d) concerning approval of local board of health sanitary sewage system rules, with a favorable report.

H.B. 558 (Committee Substitute), a bill to provide for transportation of certain persons in admission and commitment proceedings under Chapter 122C of the General Statutes, with a favorable report.

H.B. 576, a bill to recodify and amend Part 18, Article 3, of Chapter 143B of the General Statutes concerning the Sickle Cell Program, with a favorable report, as amended.

On motion of Senator Harris, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered re-referred to the **Appropriations Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 338, a bill to annex additional territory to the Town of Fallston, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 375, a bill to annex property owned by the City of Brevard, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 449, a bill to extend the coporate limits of the Town of Murphy, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 496, a bill to extend the corporate limits of the Town of Ranlo to include town-owned property, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 497, a bill to extend the corporate limits of the Town of Dallas, North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 502, a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees for police department capital improvements, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 526, a bill to increase the corporate limits of the Town of Polkville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 884, a bill to allow the Town of Ahoskie to levy special assessments for street or sidewalk improvements, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 885, a bill to amend the Charter of the Town of Ahoskie, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 387, a bill to provide the Cities of Statesville and Morganton and authority to acquire property for a post office by eminent domain, and transfer that property to the United States Postal Service by private lease or sale, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson

of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill remains on the Calendar for Monday June 1, for further consideration upon third reading.

S.B. 555, a bill to amend Chapter 159D of the General Statutes pertaining to industrial and pollution control facilities pool program financing act, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--34.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 772, a bill to allow temporary rules for the issuance of bonds for private colleges, as amended, upon third reading.

The bill, as amended, passes third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--33.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 290, a bill to provide for issuance of personalized registration plates for commercial vehicles, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 720, a bill to increase the fee for examination by the Board of Pharmacy, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1005, a bill to expand the membership of the Liability Insurance Trust Fund Council and to increase its borrowing authority, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham,

Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1159, a bill to establish an aging policy plan for North Carolina, as amended.

Senator Hunt of Moore submits the fiscal note requested May 27.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 218, a bill to allow the disposition of certain properties held in the Executive Mansion, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston for the Transportation Committee:

H.B. 468, a bill to authorize the use of horns and warning devices on motor vehicles by the Division of Marine Fisheries, with a favorable report.

H.B. 498, a bill to amend the definition of human service transportation, with a favorable report.

H.B. 588, a bill to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes, with a favorable report.

H.B. 622, a bill to provide official license plates for the clerks of superior court, with a favorable report.

H.B. 887, a bill to allow law enforcement officers to cross the median within local jurisdictions, with a favorable report.

H.B. 993, a bill relating to the use of saddle mounts in transporting motor vehicles, with a favorable report.

H.B. 1019, a bill to raise the speed limit for activity buses, with a favorable report, as amended.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

House of Representatives
May 28, 1987

Mr. President:

This is to advise that the House of Representatives has passed the following bills on third reading and they are in the process of being engrossed:

HB	**145**	MAGISTRATE JURISDICTION INCREASE.
HCS	**166**	RURAL FIRE INSURANCE RATE REDUCTION.
HCS	**331**	EDUCATION GOVERNANCE.
HB	**352**	JUVENILE RECORDS FOR RESEARCH.
HB	**575**	DMV AND DOT OFFICERS IN BENEFIT PLAN.
HB	**584**	WINSTON-SALEM FIREMEN'S RETIREMENT.

HB	593	LOCAL GOVERNMENT RETIREMENT CREDIT PURCHASES.
HCS	605	TELECOMMUNICATIONS FRANCHISE TAX.
HCS	638	PROTECTIVE SERVICES INVESTIGATION.
HCS	648	STATE APPLICANTS/FRAUDULENT DISCLOSURE.
HCS	755	MURDER DURING DRUG TRAFFICKING.
HB	768	CREDIT CARD DISCLOSURE.
HCS	780	FUNERAL SERVICE AMENDMENTS.
HCS	781	BIRTH DEFECTS REGISTRY.
HB	800	FINGERPRINT AND DISPOSITION REPORTS.
HB	812	BURLINGTON FIREMAN'S RETIREMENT.
HCS	835	CORRECTIONS ADMINISTRATIVE REMEDY.
HB	838	PRIVACY/CHILD WITNESS.
HB	946	SEMITRAILER MARKER LAMPS.
HB	949	AVIATION SAFETY.
HCS	954	GUARDIANSHIP LAW REWRITE.
HB	955	SHADED MOTOR VEHICLE WINDOWS.
HB	970	RAISE BID LIMITS.
HCS	978	UNIFORM APA HEARINGS/JUDICIAL REVIEW.
HCS	979	NEW TRESPASS LAW.
HB	1004	REGULATE ALL BINGO.
HB	1067	STANDARDIZE BUDGET FORMAT.
HB	1081	NONREFUNDABLE AIRLINE TICKETS.
HB	1106	EQUITABLE DISTRIBUTION JUDGMENT.
HB	1138	SMALL CLAIMS ACTIONS PLEADING.
HB	1146	LIMITED PARTNERSHIP CHANGES.
HB	1181	EJECTMENT FROM UNFIT DWELLING.
HCS	1205	SURROGATE PARENTING.
HB	1208	DOMESTIC VIOLENCE CHANGES.
HB	1215	PERSONNEL ACT EXEMPTIONS.
HCS	1262	CLEAN DETERGENT TECHNICAL AMENDMENT.
HB	1264	ASSAULT OFFICER/PENALTY INCREASE.
HCS	1293	ACCOUNT DATE ON CHECKS.
HB	1296	MARRIAGE RECORDS AMENDED.
HCS	1304	ESTABLISH LEAKING TANK FUND.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Daniel, the Senate adjourns to meet Monday at 7:30 P.M.

EIGHTIETH DAY

SENATE CHAMBER,
Monday, June 1, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. F. Belton Joyner, Director of the Conference Council on Ministries of the North Carolina Conference of the United Methodist Church, as follows:

"Gracious God of all times and places, as we struggle with our deadlines and as we rush through the press of decision and duty, we remember that the time for serving You is always at hand. We claim the gift of Your preceding love--grace that gets to the hard places of life ahead of us, Spirit that moves in the midst of tough choices, and Your image which struggles to break free even in those in whom we take only dim pleasure.

"Lord, we confess that we have grown much too comfortable with the things that separate us. We are at ease in a world of 'we' and 'they.' Bring Your parental love upon us that we might renew ourselves as family and might put ourselves upon a mutual mission of justice and mercy, of fairness and service.

"Now, Creator God, we can only bring our minds and bodies back to You to be refreshed and restored and restarted. The path looms crowded with thickets of despair and the rocks of uncertainty. Come, walk that way with us. And to You be the glory. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Cobb, who is attending a meeting in Charlotte, and to Senators Rauch and Taft. (Senator Taft is noted present for a portion of tonight's Session.)

The President extends courtesies of the floor to Ernest B. Messer, former Representative from Haywood County and courtesies of the gallery to Sara W. Hodgkins, former Secretary of Cultural Resources.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 166 (Committee Substitute), a bill to provide matching funds to reduce rural fire insurance rates.
Referred to **Insurance Committee.**

H.B. 605 (Committee Substitute), a bill to reform the franchise tax applicable to telecommunications companies.
Referred to **Finance Committee.**

H.B. 638 (Committee Substitute), a bill to prohibit interference with or obstruction of child protective services investigations.
Referred to **Judiciary IV Committee.**

H.B. 768, a bill to establish credit card and charge card disclosure requirements.
Referred to **Judiciary II Committee.**

H.B. 780 (Committee Substitute), a bill to amend the law regulating the practice of funeral service.
Referred to **Judiciary III Committee.**

H.B. 835 (Committee Substitute), a bill to establish a Corrections Administrative Remedy Procedure.
Referred to **Judiciary I Committee.**

H.B. 955, a bill to regulate dark-shaded windows in motor vehicles.
Referred to **Transportation Committee.**

H.B. 1067, a bill to standardize the format of the budget of North Carolina.
Referred to **Appropriations Committee.**

H.B. 1146, a bill to adopt technical amendments to the Revised Uniform Limited Partnership Act.
Referred to **Judiciary I Committee.**

H.B. 1215, a bill to extend the State Personnel Act exemption for employees of the Judicial Department and of the General Assembly to employees of the Office of Administrative Hearings and to establish the method of determining the compensation of employees of the Office of Administrative Hearings.
Referred to **State Government Committee.**

H.B. 1304 (Committee Substitute) a bill to establish a fund to be used to clean up environmental damage caused by leaking underground petroleum tanks.
Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 387, a bill to provide the Cities of Statesville and Morganton and authority to acquire property for a post office by eminent domain, and transfer that property to the United States Postal Service by private lease or sale, upon third reading.
The bill passes its third reading by roll-call vote, ayes 28, noes 0, as follows:
Voting in the affirmative: Senators Barker, Barnes, Bryan, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Parnell, Plyler, Royall, Sands, Sherron, Simpson, Speed, Staton, Swain, Thomas, Ward, and Winner--28.
Voting in the negative: None.
The bill is ordered enrolled.

H.B. 622, a bill to provide official license plates for the clerks of superior court, upon second reading.
The bill passes its second reading by roll-call vote, ayes 31, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Bryan, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Parnell, Plyler, Royall, Sands, Sherron, Simpson, Smith, Speed, Staton, Swain, Thomas, Walker, Ward, and Winner--31.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.J.R. 522 (Committee Substitute), a joint resolution honoring the memory of John T. Patrick, founder of the Town of Southern Pines.
The Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 332 (Committee Substitute), a bill to change the sunset and other provisions of the law regarding damages to certain personal property.
The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 379, a bill to make aquatic weed control projects eligible for cost sharing.
On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee.**

H.B. 468, a bill to authorize the use of horns and warning devices on motor vehicles by the Division of Marine Fisheries.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 498, a bill to amend the definition of human service transportation.

On motion of Senator Rand, consideration of the bill is postponed until tomorrow, June 2.

H.B. 514, a bill to amend G.S. 130A-335(c) and (d) concerning approval of local board of health sanitary sewage system rules.

The bill passes its second reading (electronically recorded).

Senator Barker objects to the third reading to the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

H.B. 558 (Committee Substitute), a bill to provide for transportation of certain persons in admission and commitment proceedings under Chapter 122C of the General Statutes.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 588, a bill to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes.

The bill passes its second reading (electronically recorded).

Senator Thomas objects to the third reading of the bill which objection he subsequently withdraws.

Senator Winner objects to the third reading and the bill remains on the Calendar for tomorrow for further consideration.

H.B. 713, a bill to minimize the legal liability of good samaritans assisting in preventing or cleaning up discharges of hazardous materials.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 805, a bill to establish penalties for failure to remove prohibited discharges.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 806, a bill to establish penalties for prohibited discharges in violation of G.S. 143-214.2.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 887, a bill to allow law enforcement officers to cross the median within local jurisdictions.

The bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 993, a bill relating to the use of saddle mounts in transporting motor vehicles.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1019, a bill to raise the speed limit for activity buses.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

The President recognizes the following pages serving in the Senate this week: Thomas White Archie, Raleigh; Daryl Wayne Barker, Semora; Mellotta Antionette Battle, Yanceyville; Nancy Ida Bradley, Tarboro; Robert Grey Cole, Jr., Raleigh; Tracy William Dailey, Branch; Kimberly Dawn Davis, Raleigh; William Henderson Everett, Yanceyville; Pam Foriest, Graham; Ellington West Herford, Henderson; Diana Michelle Jones, Willow Springs; Terrie Lynette Oliver, Burlington; Graham Cameron Page, Yanceyville; Susan Pepper Pegram, Stoneville; Michele Rene Schoch, Burlington; George Lea Scott, Milton; Thomasine Renee Stewart, Semora; Hayes Moore Teague, Mebane; Marcus Landens Thompson, Yanceyville; Howard Ryland Vest III, Raleigh; Amy Margaret Ward, Greensboro; Mary Elizabeth Ward, Greensboro; Robert W. Watkins, Raleigh; LeGrand Webster, Yanceyville; Owen Davis Williams, Raleigh; Tiffini Kristi Williamson, Yanceyville; Eric Van Williamson, Burlington.

On motion of Senator Harrington, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-FIRST DAY

SENATE CHAMBER,
Tuesday, June 2, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Charles Ray Ennis, Minister of Fellowship Baptist Church, Clayton.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Martin of Pitt, whose wife is in the hospital, and to Senator Rauch, whose father is in the hospital.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 425, an act to establish the purposes of the State Parks System. (Ch. 243)

H.B. 79, an act to repeal inactive and obsolete statutes in Chapter 106, Agriculture. (Ch. 244)

H.B. 703, an act to repeal the prohibition against bear hunting in Gates County. (Ch. 245)

H.B. 709, an act to provide consistency and clarity to the guidelines established for the assessment of civil penalties under the Mining Act of 1971, the North Carolina Well Construction Act, and the Sedimentation Pollution Control Act of 1973. (Ch. 246)

H.B. 722, an act to exempt the Town of Grifton from certain zoning notice requirements. (Ch. 247)

H.B. 748, an act to prohibit hunting from the roads in part of Craven County. (Ch. 248)

H.B. 776 (Committee Substitute), an act to regulate the shining of lights in deer areas in the Counties of Bertie and Madison. (Ch. 249)

S.B. 500, an act to remove territory from the Town of Hudson and add it to the City of Lenoir. (Ch. 250)

H.B. 218, an act to allow the disposition of certain properties held in the Executive Mansion. (Ch. 251)

H.B. 290, an act to provide for issuance of personalized registration plates for commercial vehicles. (Ch. 252)

H.B. 338, an act to annex additional territory to the Town of Fallston. (Ch. 253)

H.B. 375, an act to annex property owned by the City of Brevard. (Ch. 254)

H.B. 449, an act to extend the corporate limits of the Town of Murphy. (Ch. 255)

H.B. 496, an act to extend the corporate limits of the Town of Ranlo to include town-owned property. (Ch. 256)

H.B. 497, an act to extend the corporate limits of the Town of Dallas, North Carolina. (Ch. 257)

H.B. 502, an act to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees for police department capital improvements. (Ch. 258)

H.B. 526, an act to increase the corporate limits of the Town of Polkville. (Ch. 259)

H.B. 720, an act to increase the fee for examination by the Board of Pharmacy. (Ch. 260)

H.B. 884, an act to allow the Town of Ahoskie to levy special assessments for street or sidewalk improvements. (Ch. 261)

H.B. 885, an act to amend the Charter of the Town of Ahoskie. (Ch. 262)

H.B. 1005, an act to expand the membership of the Liability Insurance Trust Fund Council and to increase its borrowing authority. (Ch. 263)

H.B. 332 (Committee Substitute), an act to change the sunset and other provisions of the law regarding damages to certain personal property. (Ch. 264)

H.B. 387, an act to provide the Cities of Statesville and Morganton and authority to acquire property for a post office by eminent domain, and transfer that property to the United States Postal Service by private lease or sale. (Ch. 265)

H.B. 468, an act to authorize the use of horns and warning devices on motor vehicles by the Division of Marine Fisheries. (Ch. 266)

H.B. 514, an act to amend G.S. 130A-335(c) and (d) concerning approval of local board of health sanitary sewage system rules. (Ch. 267)

H.B. 558 (Committee Substitute), an act to provide for transportation of certain persons in admission and commitment proceedings under Chapter 122C of the General Statutes. (Ch. 268)

H.B. 713, an act to minimize the legal liability of good samaritans assisting in preventing or cleaning up discharges of hazardous materials. (Ch. 269)

H.B. 805, an act to establish penalties for failure to remove prohibited discharges. (Ch. 270)

H.B. 806, an act to establish penalties for prohibited discharges in violation of G.S. 143-214.2. (Ch. 271)

H.B. 993, an act relating to the use of saddle mounts in transporting motor vehicles. (Ch. 272)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee**:

H.B. 194 (Committee Substitute), a bill to validate certain conveyances where seals were omitted or notary was not qualified, certain notices to creditors of decedents where the deadline for submitting claims was omitted and certain foreclosure sales, with a favorable report.

H.B. 957 (Committee Substitute), a bill to clarify that certain employment consultants, personnel departments, and efficiency consultants are not private detective services, with a favorable report.

H.B. 454, a bill concerning the powers of housing authorities, with a favorable report.

H.B. 618, a bill to provide that park rangers employed by the City of Henderson have the same jurisdiction as the city police, with a favorable report.

H.B. 669, a bill to clarify the authority of the Board of Directors of Lenox Baker Children's Hospital, with a favorable report.

H.B. 1197, a bill to eliminate the requirement that the cost of expunging a record be taxed against the petitioner, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

H.B. 1076, a bill to provide that confessions of judgment may be sworn to as well as verified, with a favorable report.

H.B. 456, a bill to eliminate the age restrictions for apprentice river pilots appointed by the Cape Fear River Navigation and Pilotage Commission, with a favorable report, as amended.

H.B. 969, a bill to clarify the procedure for correcting errors in recorded instruments, with a favorable report, as amended.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee**:

H.B. 691, a bill to amend the Charter of the City of Durham concerning the procedure for removing the mayor and members of the City Council from office, with a favorable report.

H.B. 696 (Committee Substitute), a bill to expand the Anson County Board of Commissioners from five to seven members, and provide for their nomination and election from districts, with a favorable report.

H.B. 1990, a bill to allow the City of New Bern to provide reasonable relocation assistance to persons displaced as a result of dilapidated residences being demolished under a rehabilitation program as part of a community development activity or program, with a favorable report.

By Senator Swain for the **Judiciary III Committee:**

H.B. 761 (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions, with a favorable report.

H.B. 704, a bill to clarify the authority of the officers of the police department of the Eastern Band of the Cherokee, with a favorable report, as amended.

By Senator Martin of Guilford for the **Higher Education Committee:**

H.B. 723 (Committee Substitute), a bill to clarify exemption of Department of Correction officers from tuition and fees for job-related training courses taught by the Department of Community Colleges, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

H.B. 724 (Committee Substitute), a bill to authorize establishment of Community College System Foundations, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 478, a bill to clarify the gift tax effect of lapsed general powers of appointment, with a favorable report.
On motion of Senator Barnes, the bill is re-referred to the **Finance Committee.**

H.B. 851, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report.

H.B. 865, a bill to delete the requirement that the Historic Properties Commission and the city or county governing board hold joint public hearings, with a favorable report.

H.B. 977, a bill to make technical amendments to the Administrative Procedure Act, the Administrative Rules Review Commission Statutes, and related Statutes, with a favorable report.

H.B. 1029, a bill to modernize the priority funeral expense allowance in probate proceedings, with a favorable report.

By Senator Guy for the **State Government Committee:**

H.B. 328, a bill to expand the authority of cities and housing authorities to provide housing for persons of low and moderate income, with a favorable report.
On motion of Senator Guy, the bill is re-referred to the **Finance Committee.**

H.B. 477, a bill to amend the Licensure Act for speech and language pathologists and audiologists, with a favorable report.
On motion of Senator Guy, the bill is re-referred to the **Finance Committee.**

H.B. 1036 (Committee Substitute), a bill to implement the Federal Single Audit Act of 1984 in North Carolina, with a favorable report.

H.B. 1213, a bill to provide a place within the State Government complex for the State Employees' Credit Union, with a favorable report.

RE-REFERRAL

S.B. 1021, a bill to redefine the term "regional institution" in the community college law and to appropriate funds for additional regional institutions.

Without objection, on motion of Senator Martin of Guilford, the bill is taken from the **Higher Education Committee** and re-referred to the **Appropriations Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 622, a bill to provide official license plates for the clerks of superior court, upon third reading.

Senator Barker offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 498, a bill to amend the definition of human service transportation.

On motion of Senator Goldston, consideration of the bill is postponed until Tuesday, June 9.

H.B. 588, a bill to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes, upon third reading.

On motion of Senator Goldston, the bill is recommitted to the **Transportation Committee.**

H.B. 887, a bill to allow law enforcement officers to cross the median within local jurisdictions, upon third reading.

Senator Kaplan offers Amendment No. 1 which is adopted (electronically recorded).

Senator McDuffie offers a motion that the bill, as amended, be recommitted to the **Transportation Committee**, which motion fails to prevail.

On motion of Senator Swain, further consideration of the bill, as amended, is postponed until tomorrow, June 3.

On motion of Senator Harrington, seconded by Senator Johnson of Cabarrus, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-SECOND DAY

SENATE CHAMBER,
Wednesday, June 3, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Howard Chubbs, Minister of Providence Baptist Church, Greensboro, as follows:

"O Thou Who dost look with interest over Thy creation and Who dost rule with justice and compassion over the affairs of men, we pray for Thy presence and direction on the deliberations of this North Carolina State Senate.

"We are indeed thankful for the enlightened and dedicated Senators in this Chamber, whose loyalties and energies have aided them in dealing with the weighty matters that greatly impact on the lives of so many and the prosperity and security of this State.

"Grant to them wisdom, concern, sensitivity, and integrity as they seek to carry out their commitments and responsibilities to the best of their abilities.

"Bless the President of this great Nation, the Governor of this State, and all other elected officials who share in the responsibility of keeping this Nation as great as it is and of making it as great as it should be. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Rauch, and to Senator Cobb, who is on a Charlotte trip to Nashville.

The President grants courtesies of the floor to Allen C. Barbee, former Representative from Nash County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan for the **Election Laws Committee:**

H.B. 127 (Committee Substitute), a bill to require declarations of intent and petitions for write-in candidates, but exempting municipal and nonpartisan elections, with a favorable report.

On motion of Senator Kaplan, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 494, a bill to allow curbside voting during the entire time the polls are open, so as to comply with the federal voting accessibility for the elderly and handicapped act, with a favorable report.

H.B. 846, a bill to make technical changes in the election laws, with a favorable report.

H.B. 943, a bill to revise the manner of election of the Board of Commissioners of Pasquotank County, with a favorable report.

H.B. 1008, a bill to provide a separate ballot for multi-seat races, except where mechanical voting machines are used, with a favorable report.

On motion of Senator Kaplan, the bill is re-referred to the **Appropriations Committee.**

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

H.B. 448 (Committee Substitute), a bill to prohibit hunting from the rights-of-way of public roads in the Counties of Alexander, Catawba, and Iredell, with a favorable report.

H.B. 868, a bill to regulate deer hunting in the Bladen Lakes State Forest, with a favorable report.

H.B. 1017, a bill to increase the penalty for unauthorized removal of forest products from game lands, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee**.

H.B. 664, a bill to provide for conservation, management, enhancement and protection of wildlife species which are endangered, threatened or the subject of special concern, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is re-referred to the **Finance Committee**.

By Senator Parnell for the **Insurance Committee**:

H.B. 655, a bill to extend professional liability insurance coverage to community colleges and technical colleges, with a favorable report.

H.B. 503 (Committee Substitute), a bill to provide for a single license system for insurance agents, brokers, and adjusters, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Guy for the **State Government Committee**:

H.B. 824 (Committee Substitute), a bill to amend Chapter 122A to allow the North Carolina Housing Finance Agency to temporarily adjust income requirements for certain multi-family housing, to own certain housing projects, and to correct certain statutory drafting errors, with a favorable report.

By Senator Seymour for the **Alcoholic Beverage Control Committee**:

H.B. 1093 (Committee Substitute), a bill to permit the issuance of ABC licenses to sports clubs, with a favorable report.

H.B. 1168, a bill to clarify the legal sale hours of wholesale commercial permitees, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

H.B. 185 (Committee Substitute), a bill to require the North Carolina Medical Care Commission to study the safety of helicopter ambulances and report to the General Assembly, with a favorable report.

H.B. 416, a bill to amend G.S. 130A-80 and 130A-83 and validating certain actions relating to sanitary districts, with a favorable report.

H.B. 538, a bill to amend the educational requirements for licensure of practicing psychologists and to allow licensure of psychologists trained in foreign educational institutions, with a favorable report.

H.B. 695 (Committee Substitute), a bill to amend the statute requiring the destruction of hypodermic needles, with a favorable report.

H.B. 766, a bill to permit municipalities bordering on the Atlantic Ocean and Roanoke, Albemarle, or Currituck Sound to regulate sewer tie-ons within their corporate limits, with a favorable report.

H.B. 794, a bill to upgrade the chiropractic profession by requiring a Bachelor of Science Degree for licensure to practice chiropractic in North Carolina, with a favorable report.

H.B. 878 (Committee Substitute), a bill to make changes in the scheduling of certain controlled substances, with a favorable report, as amended.

By Senator Thomas, Vice-Chairman, for the **Finance Committee**:

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, with a favorable report.

H.B. 17 (Committee Substitute), a bill to provide taxpayers more notice of the adoption of schedules of value and to clarify the procedure for appeals concerning schedules of value and other property tax matters, with a favorable report.

H.B. 113, a bill to permit the governing body of a taxing unit to allow the tax collector to adjust small underpayments and overpayments of property tax, with a favorable report.

H.B. 462, a bill making a technical amendment to the Revenue Laws, with a favorable report.

H.B. 463, a bill to equalize the motor fuels tax credit and the rate of tax, with a favorable report.

H.B. 617, a bill to permit Caswell County to collect a motor vehicle tax of not more than fifteen dollars, with a favorable report.

Without objection, on motion of Senator Daniel, the bill is placed on the Calendar for Monday, June 8.

H.B. 729, a bill to authorize Duplin County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 770, a bill to modify the Hickory-Conover Occupancy Tax Law, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives.

H.B. 145, a bill to increase the magistrate's jurisdiction to accept guilty pleas for worthless checks of not more than one thousand dollars.

Referred to **Judiciary III Committee**.

H.B. 331 (Committee Substitute), a bill to provide a governance structure for the Department of Public Education.

Referred to **Education Committee**.

H.B. 352, a bill to allow access to juvenile records for research purposes.

Referred to **Children and Youth Committee**.

H.B. 584, a bill to establish Winston-Salem Firemen's Retirement Fund Association.

Referred to **Pensions and Retirement Committee**.

H.B. 593, a bill to more closely conform the requirements for the purchase of additional service credits in the Local Governmental Employees' Retirement System with the same requirements in the Teachers' and State Employees' Retirement System for military service, out-of-state service, and the restoration of withdrawn contributions.
Referred to **Pensions and Retirement Committee.**

H.B. 648 (Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such.
Referred to **State Personnel Committee.**

H.B. 755 (Committee Substitute), a bill to add murder committed while engaged in drug trafficking as an aggravating circumstance in determining whether to impose the death sentence on a convicted defendant.
Referred to **Judiciary IV Committee.**

H.B. 781 (Committee Substitute), a bill to establish a birth defects registry.
Referred to **Human Resources Committee.**

H.B. 812, a bill to amend Chapter 321 of the Session Laws of 1969 relating to Supplemental Retirement Funds for firemen in the City of Burlington.
Referred to **Pensions and Retirement Committee.**

H.B. 838, a bill to provide procedures to protect the privacy of children required to testify.
Referred to **Judiciary I Committee.**

H.B. 946, a bill regarding lighting equipment on semitrailers.
Referred to **Transportation Committee.**

H.B. 949, a bill to provide for effective measures to combat tampering with aircraft and to combat the operation of aircraft while impaired.
Referred to **Transportation Committee.**

H.B. 954 (Committee Substitute), a bill to rewrite the laws relating to incompetence and guardianship.
Referred to **Judiciary I Committee.**

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds.
Referred to **Judiciary I Committee.**

H.B. 978 (Committee Substitute), a bill to establish a more uniform system of resolving administrative disputes and to modify judicial review of administrative decisions.
Referred to **Judiciary IV Committee.**

H.B. 1004, a bill to remove the beach bingo exclusion from the bingo regulation statute.
Referred to **Judiciary I Committee.**

H.B. 1081, a bill requiring the printed advertisements of nonrefundable and nontransferable airline tickets sold and distributed in North Carolina to contain a full and conspicuous statement to the effect that such ticket cannot be refunded or transferred and information regarding the airline's official refund exception, and to require sellers of such tickets to post the same information.
Referred to **Judiciary IV Committee.**

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce.
Referred to **Judiciary I Committee.**

H.B. 1138, a bill to amend the law regarding small claims actions.
Referred to **Judiciary III Committee.**

H.B. 1181, a bill to authorize a magistrate to order removal from a dwelling found unfit for human habitation.
Referred to **Judiciary III Committee.**

H.B. 1205 (Committee Substitute), a bill relating to the legal relationship of surrogate parenting.
Referred to **Judiciary IV Committee.**

H.B. 1208, a bill to make changes to the domestic violence statutes.
Referred to **Judiciary III Committee.**

H.B. 1262 (Committee Substitute), a bill to make technical and clarifying changes to the Clean Detergent Act.
Referred to **Environment Committee.**

H.B. 1264, a bill to increase the penalty for assaults upon governmental officers and employees.
Referred to **Judiciary II Committee.**

H.B. 1293 (Committee Substitute), a bill to require that checks on all new checking accounts at banks indicate the month and year in which the account was opened.
Referred to **Commerce Committee.**

H.B. 1296, a bill to provide that the register of deeds may amend an application for a marriage license and the return of an officiating officer at the marriage to reflect the name change of party to the marriage.
Referred to **Judiciary II Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 400, an act to provide for an amendment to the Employment Security Law. (Ch. 273)

S.B. 501, an act to expand the Department of Administration's authority to remove unauthorized vehicles from all State-owned public grounds within the Department's jurisdiction. (Ch. 274)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the **Children and Youth Committee:**

H.B. 351 (Committee Substitute), a bill to reduce the trauma to a child victim by clarifying that child protection agencies are authorized to share information, with a favorable report.

H.B. 1023, a bill providing that the psychologist-client privilege is waived for child abuse reports to the same extent as the physician-patient and husband-wife privileges, with a favorable report.

H.B. 1099, a bill to assure necessary cooperation from appropriate parties in the verification of disposable income for child support withholding purposes, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 8 (House Committee Substitute), a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, for concurrence in the House Committee Substitute bill.

Without objection, on motion of Senator Hipps, the House Committee Substitute bill is placed on the Calendar for tomorrow, June 4.

S.B. 227 a bill to make the Shad Boat the official State boat, for concurrence in House Committee Substitute bill, which changes the title upon concurrence to read, **S.B. 227** (House Committee Substitute), a bill to make the Shad Boat the official State Historical boat.

Referred to **Rules and Operation of the Senate Committee.**

S.B. 310, a bill to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 4.

S.B. 693 (Committee Substitute), a bill proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 4.

H.B. 1161 (Committee Substitute No. 2), a bill to provide that statutes of limitations and statutes of repose are tolled against a defendant in a civil action arising out of a criminal offense for which he is convicted, until restitution is made by the defendant as ordered by the court or agreed to by the defendant.

Pursuant to Senate Rule 41(b), the Chair orders the Committee Substitute bill held in the Principal Clerk's Office.

H.B. 1180, a bill to prohibit the possession or consumption of any alcoholic beverages on school property.

Pursuant to Senate Rule 41(b), the Chair orders the Committee Substitute bill held in the Principal Clerk's Office.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 618, a bill to provide that park rangers employed by the City of Henderson have the same jurisdiction as the city police.

The bill passes its second and third readings and is ordered enrolled.

H.B. 691, a bill to amend the Charter of the City of Durham concerning the procedure for removing the mayor and members of the City Council from office.

The bill passes its second and third readings and is ordered enrolled.

H.B. 696 (Committee Substitute), a bill to expand the Anson County Board of Commissioners from five to seven members, and provide for their nomination and election from districts.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1990, a bill to allow the City of New Bern to provide reasonable relocation assistance to persons displaced as a result of dilapidated residences being demolished under a rehabilitation program as part of a community development activity or program.

The bill passes its second and third readings and is ordered enrolled.

H.B. 454, a bill concerning the powers of housing authorities, upon second reading.

On motion of Senator Block, consideration of the bill is postponed until Tuesday, June 9.

H.B. 194 (Committee Substitute), a bill to validate certain conveyances where seals were omitted or notary was not qualified, certain notices to creditors of decedents where the deadline for submitting claims was omitted and certain foreclosure sales.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 456, a bill to eliminate the age restrictions for apprentice river pilots appointed by the Cape Fear River Navigation and Pilotage Commission.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 669, a bill to clarify the authority of the Board of Directors of Lenox Baker Children's Hospital.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 704, a bill to clarify the authority of the officers of the police department of the Eastern Band of the Cherokee.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 724 (Committee Substitute), a bill to authorize establishment of Community College System Foundations.

On motion of Senator Martin of Guilford, Committee Amendment No. 1 is adopted.

Senator Plyler, Chairman of the **Appropriations Committee**, requests a fiscal note.

Without objection, the Chair orders the Committee Substitute bill, as amended, placed on the Calendar for Friday, June 5, for receipt of the fiscal note.

H.B. 761 (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Sands to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 851, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

The bill passes its second reading (electronically recorded).

Senator Ezzell objects to the third reading of the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

H.B. 865, a bill to delete the requirement that the Historic Properties Commission and the city or county governing board hold joint public hearings.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 957 (Committee Substitute), a bill to clarify that certain employment consultants, personnel departments, and efficiency consultants are not private detective services.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 969, a bill to clarify the procedure for correcting errors in recorded instruments.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 977, a bill to make technical amendments to the Administrative Procedure Act, the Administrative Rules Review Commission Statutes, and related Statutes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1029, a bill to modernize the priority funeral expense allowance in probate proceedings.

Without objection, Senator Harris is excused from voting for the stated reason, "Being a funeral director, it would be a direct conflict of interest."

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1036 (Committee Substitute), a bill to implement the Federal Single Audit Act of 1984 in North Carolina.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1076, a bill to provide that confessions of judgment may be sworn to as well as verified.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1213, a bill to provide a place within the State Government complex for the State Employees' Credit Union.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 887, a bill to allow law enforcement officers to cross the median within local jurisdictions, as amended, upon third reading.

Senator Swain offers Amendment No. 2.

Senator Harris, seconded by Senator Johnson of Wake, offers a motion that the bill, as amended, with Amendment No. 2 pending, do lie upon the table, which motion prevails (electronically recorded).

The bill, as amended, lies upon the table.

INTRODUCTION OF RESOLUTION

S.J.R. 1545, a joint resolution honoring the life and memory of Ray D. Minges, M.D.

On motion of Senator Taft, the rules are suspended (electronically recorded) to the end that **S.J.R. 1545**, ordered held as filed on May 29, passes its first reading.

Referred to **Rules and Operation of the Senate Committee.**

On motion of Senator Harrington, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-THIRD DAY

SENATE CHAMBER,
Thursday, June 4, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Compassion, we pray for Thy special blessing this day upon the Lieutenant Governor of our fair State, upon each member of the North Carolina Senate, and upon all the citizens of the great North State.

"Be with the Lieutenant Governor that he may continue to preside with honor and fairness over the affairs of this Chamber. Be with the Members of this Body, both Democrats and Republicans, that they may seek to enact laws and that they may work to approve a budget which will promote the well-being of all our citizens, not just the well-being of powerful special interest groups. And be with all the residents of our State; rich and poor, black, native American, and white, young and old, male and female, that they may feel that their concerns are being seriously considered by the General Assembly and that they may sense that they are being represented by Senators and Representatives who are men and women of integrity, vision, and compassion. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Cobb, Daniel, and Johnson of Wake.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee:**

H.B. 430 (Committee Substitute), a bill to apply certain motor vehicle laws on the State parks and forests road system, with a favorable report.

H.B. 608 (Committee Substitute), a bill to amend the organization of the State Bar and to eliminate the sunset provision relating to attorney discipline, with a favorable report.

H.B. 727 (Committee Substitute), a bill to amend the Social Services Appeals Law, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 8, for further consideration.

By Senator Soles for the **Judiciary IV Committee:**

S.B. 1320, a bill to expand the definition of service for the purpose of calculating longevity pay for Clerks of Superior Court to include service as an assistant, deputy, or acting clerk, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Appropriations Committee.**

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, with a favorable report.

H.B. 898, a bill to provide that a principal on a bail bond has sixty days to appear before the court to satisfy the court as to his reasons for noncompliance with the bond conditions, with a favorable report.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 729, a bill to authorize Duplin County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Thomas, Walker, Ward, and Warren--34.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 770, a bill to modify the Hickory-Conover Occupancy Tax Law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Thomas, Walker, Ward, and Warren--34.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 448 (Committee Substitute), a bill to prohibit hunting from the rights-of-way of public roads in the Counties of Alexander, Catawba, and Iredell.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 868, a bill to regulate deer hunting in the Bladen Lakes State Forest.

The bill passes its second and third readings and is ordered enrolled.

H.B. 943, a bill to revise the manner of election of the Board of Commissioners of Pasquotank County.

The bill passes its second and third reading and is ordered enrolled.

S.B. 8 (House Committee Substitute), a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, upon second reading for concurrence in the House Committee Substitute bill.

Without objection, the Chair orders the House Committee Substitute bill placed on the Calendar for Tuesday, June 9.

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Thomas, Walker, Ward, and Warren--34.

Voting in the negative: None.

Without objection, on motion of Senator Harris, the bill, as amended, remains on the Calendar for Tuesday, June 9, for further consideration upon third reading.

H.B. 416, a bill to amend G.S. 130A-80 and 130A-83 and validating certain actions relating to sanitary districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 463, a bill to equalize the motor fuels tax credit and the rate of tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Warren--34.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Judiciary III Committee**:

H.B. 737, a bill to make technical amendments to the Radar Reliability Act, with a favorable report.

H.B. 1182 (Committee Substitute), a bill to amend the Statutes to extend the availability of intensive probation to misdemeanants, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1182** (Senate Committee Substitute), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Swain, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 8, for further consideration.

By Senator Warren for the **Education Committee:**

H.B. 902, a bill to provide for the election of the McDowell County Board of Education for four-year terms, and to change the election from November to May, with a favorable report.

H.B. 1165, a bill to require that State allotted and other full-time assistant principals meet the certification requirements applicable to principals, with a favorable report.

H.B. 310, a bill to permit local boards of education to give notice of a decision on pupil reassignment by registered or certified mail, with a favorable report, as amended.

CALENDAR (Continued)

(Senator Rauch presides over a portion of today's Session.)

H.B. 17 (Committee Substitute), a bill to provide taxpayers more notice of the adoption of schedules of value and to clarify the procedure for appeals concerning schedules of value and other property tax matters.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 113, a bill to permit the governing body of a taxing unit to allow the tax collector to adjust small underpayments and overpayments of property tax.

The bill passes its second reading (electronically recording).

Senator Block objects to the third reading of the bill, which objection he subsequently withdraws.

Senator Block offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Martin of Guilford, further consideration of the bill, as amended, is postponed until Tuesday, June 9.

H.B. 185 (Committee Substitute), a bill to require the North Carolina Medical Care Commission to study the safety of helicopter ambulances and report to the General Assembly.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 351 (Committee Substitute), a bill to reduce the trauma to a child victim by clarifying that child protection agencies are authorized to share information.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 462, a bill making a technical amendment to the Revenue Laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 494, a bill to allow curbside voting during the entire time the polls are open, so as to comply with the federal voting accessibility for the elderly and handicapped act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 496, an act to amend the enabling legislation of the North Carolina State Ports Authority to make certain technical and conforming amendments. (Ch. 275)

S.B. 573, an act to require that school bus drivers be at least seventeen years old. (Ch. 276)

H.B. 194 (Committee Substitute), a bill to validate certain conveyances where seals were omitted or notary was not qualified, certain notices to creditors of decedents where the deadline for submitting claims was omitted and certain foreclosure sales. (Ch. 277)

H.B. 618, an act to provide that park rangers employed by the City of Henderson have the same jurisdiction as the city police. (Ch. 278)

H.B. 669, an act to clarify the authority of the Board of Directors of Lenox Baker Children's Hospital. (Ch. 279)

H.B. 691, an act to amend the Charter of the City of Durham concerning the procedure for removing the mayor and members of the City Council from office. (Ch. 280)

H.B. 696 (Committee Substitute), an act to expand the Anson County Board of Commissioners from five to seven members, and provide for their nomination and election from districts. (Ch. 281)

H.B. 851, an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission. (Ch. 282)

H.B. 865, an act to delete the requirement that the Historic Properties Commission and the city or county governing board hold joint public hearings. (Ch. 283)

H.B. 957 (Committee Substitute), an act to clarify that certain employment consultants, personnel departments, and efficiency consultants are not private detective services. (Ch. 284)

H.B. 977, an act to make technical amendments to the Administrative Procedure Act, the Administrative Rules Review Commission Statutes, and related Statutes. (Ch. 285)

H.B. 1029, an act to modernize the priority funeral expense allowance in probate proceedings. (Ch. 286)

H.B. 1036 (Committee Substitute), an act to implement the Federal Single Audit Act of 1984 in North Carolina. (Ch. 287)

H.B. 1076, an act to provide that confessions of judgment may be sworn to as well as verified. (Ch. 288)

H.B. 1159, an act to establish an aging policy plan for North Carolina. (Ch. 289)

H.B. 1213, an act to provide a place within the State Government Complex for the State Employees' Credit Union. (Ch. 290)

H.B. 1990, an act to allow the City of New Bern to provide reasonable relocation assistance to persons displaced as a result of dilapidated residences being demolished under a rehabilitation program as part of a community development activity or program. (Ch. 291)

CALENDAR (Continued)

H.B. 538, a bill to amend the educational requirements for licensure of practicing psychologists and to allow licensure of psychologists trained in foreign educational institutions.

The bill passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the bill remains on the Calendar for Monday, June 8, for further consideration.

H.B. 655, a bill to extend professional liability insurance coverage to community colleges and technical colleges.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 695 (Committee Substitute), a bill to amend the statute requiring the destruction of hypodermic needles.

On motion of Senator Rand, consideration of the Committee Substitute bill is postponed until Monday, June 8.

H.B. 766, a bill to permit municipalities bordering on the Atlantic Ocean and Roanoke, Albemarle, or Currituck Sound to regulate sewer tie-ons within their corporate limits.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 794, a bill to upgrade the chiropractic profession by requiring a Bachelor of Science Degree for licensure to practice chiropractic in North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 824 (Committee Substitute), a bill to amend Chapter 122A to allow the North Carolina Housing Finance Agency to temporarily adjust income requirements for certain multi-family housing, to own certain housing projects, and to correct certain statutory drafting errors.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 846, a bill to make technical changes in the election laws.

Senator Sands offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 878 (Committee Substitute), a bill to make changes in the scheduling of certain controlled substances.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1023, a bill providing that the psychologist-client privilege is waived for child abuse reports to the same extent as the physician-patient and husband-wife privileges.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 1093 (Committee Substitute), a bill to permit the issuance of ABC licenses to sports clubs.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Harris objects to the third reading of the Committee Substitute bill which objection he subsequently withdraws.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H.B. 1099, a bill to assure necessary cooperation from appropriate parties in the verification of disposable income for child support withholding purposes.

Senator Sands offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Winner, the bill, as amended, is re-referred to the **Judiciary IV Committee.**

H.B. 1168, a bill to clarify the legal sale hours of wholesale commercial permitees.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 456, a bill to eliminate the age restrictions for apprentice river pilots appointed by the Cape Fear River Navigation and Pilotage Commission, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 704, a bill to clarify the authority of the officers of the police department of the Eastern Band of the Cherokee, as amended, upon third reading.

On motion of Senator Swain, consideration of the bill, as amended, is postponed until Monday, June 8.

H.B. 761 (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions, upon third reading.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until Monday, June 8.

S.B. 310, a bill to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States, for concurrence in House Amendment No. 1.

Without objection, the Chair orders the bill placed on the Calendar for tomorrow, June 5.

S.B. 693 (Committee Substitute), a bill proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area, for concurrence in House Amendment No. 1.

On motion of Senator Plyler, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

WITHDRAWAL FROM CALENDAR

H.B. 695 (Committee Substitute), a bill to amend the statute requiring the destruction of hypodermic needles.

Without objection, on motion of Senator Rand, the Committee Substitute bill is taken from the Calendar for Monday, June 8 and is placed before the Senate for immediate consideration.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **State Personnel Committee:**

H.B. 795 (Committee Substitute), a bill to make technical changes to Chapter 126, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 246 (House Committee Substitute), a bill to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims, for concurrence in House Amendments No. 1 and No. 2.
Referred to **Judiciary II Committee**

H.B. 86 (Committee Substitute), a bill to expand the property tax exclusion for residences owned by service-connected disabled veterans to include the residences of all veterans who are rated as one hundred percent permanently unemployable.
Referred to **Finance Committee.**

H.B. 800, a bill to improve the collection of criminal history information in North Carolina.
Referred to **Judiciary III Committee.**

H.B. 979 (Committee Substitute), a bill to create a general offense of trespass that replaces miscellaneous trespass offenses.
Referred to **Judiciary III Committee.**

On motion of Senator Harrington, seconded by Senator Hardison, the Senate adjourns to meet tomorrow at 10:00 A.M.

EIGHTY-FOURTH DAY

SENATE CHAMBER,
Friday, June 5, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

" O God of life, we thank Thee for the experiences of this week: for the affirmation given to our Lieutenant Governor, for the support of family and friends in our work, for the faithful labors of our Senate staff, for the progress made in many bills in committees, and for the enactment of significant bills in the General Assembly, we give Thee thanks, O Lord.

"O God of strength, we ask for Thy grace and benediction as we come to the close of this busy week: give us perseverance to deal with the matters before us this day; then, give us each a safe trip home; next, give us refreshment and renewal in our homes and in Your House this weekend; and finally, bring us back to these Chambers next week with renewed zeal to serve You as well as our constituents in this arena. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Barnes, Cobb, and Kaplan, and to Senator Harris, who is attending his granddaughter's graduation in Houston, Texas; to Senator McDuffie, who is participating in the Hawthorne Junior

High School graduation exercises; to Senator Staton, who is attending the National Conference of State Legislatures as Chairman of the Senate Economic Growth Committee; and to Senator Ward, who is attending the National Conference of State Legislatures Reapportionment Task Force in Denver, Colorado.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

H.B. 545, a bill to revise the purchase of creditable service in the Teachers' and State Employees' Retirement System for leaves of absence while in receipt of workers' compensation benefits, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Appropriations Committee.**

H.B. 625, a bill to amend Chapter III of the Charter of the City of High Point relating to police pensions, with a favorable report.

H.B. 1018, a bill to allow a retiring member of the Teachers' and State Employees' Retirement System to receive service credit for up to 12 days of unused accumulated sick leave per year of membership service, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Appropriations Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 729, a bill to authorize Duplin County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Smith, Speed, Swain, Taft, Tally, Walker, and Warren--30.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 770, a bill to modify the Hickory-Conover Occupancy Tax Law, upon third reading.

The bill passes its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Smith, Speed, Swain, Taft, Tally, Walker, and Warren--30.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 902, a bill to provide for the election of the McDowell County Board of Education for four-year terms, and to change the election from November to May.

The bill passes its second and third reading and is ordered enrolled.

H.B. 416, a bill to amend G.S. 130A-80 and 130A-83 and validating certain actions relating to sanitary districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Smith, Speed, Swain, Taft, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 463, a bill to equalize the motor fuels tax credit and the rate of tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Smith, Speed, Swain, Taft, Tally, Warren, and Winner--33.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Smith, Speed, Swain, Taft, Tally, Walker, Warren, and Winner--34.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 8, for further consideration upon third reading.

H.B. 310, a bill to permit local boards of education to give notice of a decision on pupil reassignment by registered or certified mail.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 430 (Committee Substitute), a bill to apply certain motor vehicle laws on the State parks and forests road system.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 608 (Committee Substitute), a bill to amend the organization of the State Bar and to eliminate the sunset provision relating to attorney discipline.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 724 (Committee Substitute), a bill to authorize establishment of Community College System Foundations, as amended.

The fiscal note requested June 3 is received.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 737, a bill to make technical amendments to the Radar Reliability Act.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 795 (Committee Substitute), a bill to make technical changes to Chapter 126.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 898, a bill to provide that a principal on a bail bond has sixty days to appear before the court to satisfy the court as to his reasons for noncompliance with the bond conditions.
The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1165, a bill to require that State allotted and other full-time assistant principals meet the certification requirements applicable to principals.
The bill passes its second reading (electronically recorded).
On objection of Senator Sands to its third reading, the bill remains on the Calendar for Monday, June 8, for further consideration.

H.B. 1023, a bill providing that the psychologist-client privilege is waived for child abuse reports to the same extent as the physician-patient and husband-wife privileges, upon third reading.
The bill passes its third reading (electronically recorded) and is ordered enrolled.

S.B. 310, a bill to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States, for concurrence in House Amendment No. 1.
On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 286, a bill to amend Chapter 20 of the General Statutes to make passenger capacity of buses consistent with regulation by the Utilities Commission under provisions of Chapter 62 of the General Statutes, with a favorable report.

H.B. 989, a bill authorizing the issuance of revenue bonds to finance projects on the Centennial Campus of North Carolina State University at Raleigh, with a favorable report.

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer, with a favorable report, as amended.
On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, June 9.

On motion of Senator Harrington, seconded by Senator Bryan, the Senate adjourns to meet Monday at 8:00 P.M.

EIGHTY-FIFTH DAY

SENATE CHAMBER,
Monday, June 8, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Grover L. Everett, Retired Baptist Minister, Winterville, North Carolina, as follows:

"Our Father, we thank You for being called to prayer as this governmental body continues its all important work of service to our people. As we seek Thy guidance in the performance of our duties here, may all of us be aware that we serve under Thy authority. We pray that each of our Senators and their helpers may experience wisdom, guidance, and awareness of Thy presence in mind and heart in all their deliberations. We pray also, for the President of the United States, the members of Congress, those who are judges in our courts, our Governor, and all the Members of the General Assembly.

"Grant that they may seek to make wise decisions on all issues, and especially those that are complicated by pressures from all sides.

"Help us, Father, to be fit instruments and channels for the sake of good and the glory of God. For Thy Name's sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for tonight to Senator Ezzell, due to the death of his father, James E. Ezzell.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 559, an act to amend the fertilizer law. (Ch. 292)

S.B. 560, an act to improve the collection of cost sharing assessments for boll weevil eradication. (Ch. 293)

S.B. 561, an act to amend and clarify the promotion of sale and use of tobacco Statutes. (Ch. 294)

H.B. 17 (Committee Substitute), a bill to provide taxpayers more notice of the adoption of schedules of value and to clarify the procedure for appeals concerning schedules of value and other property tax matters. (Ch. 295)

H.B. 185 (Committee Substitute), an act to require the North Carolina Medical Care Commission to study the safety of helicopter ambulances and report to the General Assembly. (Ch. 296)

H.B. 351 (Committee Substitute), an act to reduce the trauma to a child victim by clarifying that child protection agencies are authorized to share information. (Ch. 297)

H.B. 448 (Committee Substitute), an act to prohibit hunting from the rights-of-way of public roads in the Counties of Alexander, Catawba, and Iredell. (Ch. 298)

H.B. 462, an act making a technical amendment to the Revenue Laws. (Ch. 299)

H.B. 494, an act to allow curbside voting during the entire time the polls are open, so as to comply with the federal voting accessibility for the elderly and handicapped act. (Ch. 300)

H.B. 655, an act to extend professional liability insurance coverage to community colleges and technical colleges. (Ch. 301)

H.B. 868, an act to regulate deer hunting in the Bladen Lakes State Forest. (Ch. 302)

H.B. 766, an act to permit municipalities bordering on the Atlantic Ocean and Roanoke, Albemarle, or Currituck Sound to regulate sewer tie-ons within their corporate limits. (Ch. 303)

H.B. 794, an act to upgrade the chiropractic profession by requiring a Bachelor of Science Degree for licensure to practice chiropractic in North Carolina. (Ch. 304)

H.B. 824 (Committee Substitute), an act to amend Chapter 122A to allow the North Carolina Housing Finance Agency to temporarily adjust income requirements for certain multi-family housing, to own certain housing projects, and to correct certain statutory drafting errors. (Ch. 305)

H.B. 943, an act to revise the manner of election of the Board of Commissioners of Pasquotank County. (Ch. 306)

H.B. 1093 (Committee Substitute), an act to permit the issuance of ABC licenses to sports clubs. (Ch. 307)

H.B. 1168, an act to clarify the legal sale hours of wholesale commercial permitees. (Ch. 308)

S.B. 693 (Committee Substitute), an act proclaiming the designation of the J. Robert Gordon Sandhills Field Trial Area. (Ch. 309)

S.B. 310, an act to amend the Product Liability Risk Retention group law by reflecting the federal Risk Retention Amendments of 1986 in order to carry out the authority granted by Congress to the States. (Ch. 310)

S.B. 397, an act to provide for driveway permit processes. (Ch. 311)

S.B. 557, an act to broaden the coverage offered by the School Property Insurance Program. (Ch. 312)

S.B. 692 (Committee Substitute), an act regarding the adulteration or misbranding of food, drugs, or cosmetics with intent to cause serious injury or death. (Ch. 313)

H.B. 416, an act to amend G.S. 130A-80 and 130A-83 and validating certain actions relating to sanitary districts. (Ch. 314)

H.B. 463, an act to equalize the motor fuels tax credit and the rate of tax. (Ch. 315)

H.B. 608 (Committee Substitute), an act to amend the organization of the State Bar and to eliminate the sunset provision relating to attorney discipline. (Ch. 316)

H.B. 729, an act to authorize Duplin County to levy a room occupancy and tourism development tax. (Ch. 317)

H.B. 737, an act to make technical amendments to the Radar Reliability Act. (Ch. 318)

H.B. 770, an act to modify the Hickory-Conover Occupancy Tax Law. (Ch. 319)

H.B. 795 (Committee Substitute), an act to make technical changes to Chapter 126. (Ch. 320)

H.B. 898, an act to provide that a principal on a bail bond has sixty days to appear before the court to satisfy the court as to his reasons for noncompliance with the bond conditions. (Ch. 321)

H.B. 902, an act to provide for the election of the McDowell County Board of Education for four-year terms, and to change the election from November to May. (Ch. 322)

H.B. 1023, an act providing that the psychologist-client privilege is waived for child abuse reports to the same extent as the physician-patient and husband-wife privileges. (Ch. 323)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 25, a bill to make the law concerning State privilege license taxes on gun dealers more equitable.
Referred to **Finance Committee.**

H.B. 688, a bill to amend the pesticide law.
Referred to **Agriculture Committee.**

H.B. 772, a bill to impose fees for withdrawing from or rejoining the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.
Referred to **Pensions and Retirement Committee.**

H.B. 988, a bill to create a relief fund for rescue squad workers.
Referred to **Finance Committee.**

H.B. 1295, a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes.
Referred to **Pensions and Retirement Committee.**

S.B. 319, a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies, for concurrence in the House Committee Substitute bill. The House Committee Substitute bill is placed on the Calendar for tomorrow, June 9 changing the title upon concurrence, to read **S.B. 319** (House Committee Substitute) a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies, and concerning construction of Mecklenburg Stadium.

S.B. 459 (Committee Substitute), a bill to allow North Carolina commercial fishermen to form Hull Insurance, and Protection and Indemnity Clubs, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 9.

S.B. 462 (Committee Substitute), a bill to provide for standards for long-term care insurance, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 9.

S.B. 822, (House Committee Substitute) a bill to permit the provision of shared use and resale of telephone services, for concurrence in the House Committee Substitute bill.
Referred to **Commerce Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 617, a bill to permit Caswell County to collect a motor vehicle tax of not more than fifteen dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 625, a bill to amend Chapter III of the Charter of the City of High Point relating to police pensions.

The bill passes its second and third readings and is ordered enrolled.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, upon third reading.

On motion of Senator Kaplan, consideration of the bill is postponed until Monday, June 15.

H.B. 286, a bill to amend Chapter 20 of the General Statutes to make passenger capacity of buses consistent with regulation by the Utilities Commission under provisions of Chapter 62 of the General Statutes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 989, a bill authorizing the issuance of revenue bonds to finance projects on the Centennial Campus of North Carolina State University at Raleigh, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 727 (Senate Committee Substitute), a bill to amend the Social Services Appeals Law.

On motion of Senator Martin of Guilford, consideration of the Senate Committee Substitute bill is postponed until tomorrow, June 9.

H.B. 1182 (Senate Committee Substitute), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt.

On motion of Senator Swain, the Senate Committee Substitute bill is recommitted to the **Judiciary III Committee.**

H.B. 538, a bill to amend the educational requirements for licensure of practicing psychologists and to allow licensure of psychologists trained in foreign educational institutions, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 704, a bill to clarify the authority of the officers of the police department of the Eastern Band of the Cherokee, as amended, upon third reading.

Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following resolution, which is read the first time and disposed of as follows:

H.J.R. 991, a joint resolution honoring the life and memory of Marion Holt "Jack" Brock.

On motion of Senator Johnson of Wake, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution unanimously passes its second (electronically recorded) and third readings with members standing and is ordered enrolled.

CALENDAR (Continued)

H.B. 761 (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions, upon third reading.

On motion of Senator Swain, the Committee Substitute bill is recommitted to the **Judiciary III Committee.**

H.B. 1165, a bill to require that State allotted and other full-time assistant principals meet the certification requirements applicable to principals, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: James Brooks, Monroe; Marc Carson, Cary; Billy Diel, Charlotte; Lawrence Glenn Dorsey, Raleigh; Cassandra Antoinette Dunston, Louisburg; Amy Marie Etheridge, Tarboro; Wendy Lynn Fields, Rutherfordton; Ted Hassenfelt, Jr., Southern Pines; Thomas Cooper Howell, Raleigh; Harry Donald Jewell II, Concord; Jeff Jordan, Mt. Gilead; Ashley Keith, Aberdeen; Lori Lemmond, Misenheimer; John McDuffie, Charlotte; Mary Clay Moseley, Roanoke Rapids; Fred Phifer, Charlotte; Natalie Ross, Pinehurst; Imani Shelton, Mebane; Shaftina Snipes, Mebane; Trawick Stubbs III, New Bern; Brian Richard Suddreth, Charlotte; Leigh Ellen Thompson, Mt. Gilead.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, June 9, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Elder Kenneth Moore, Pastor of Gethsemane Seventh-day Adventist Church, Raleigh, and Assistant Sergeant-at-Arms of the North Carolina Senate, as follows:

"Almighty and Everlasting God, in Whom we live, and move, and have our being, we Thy servants do render unto Thee our humble praise and thanksgiving. We thank Thee for Thy never failing, unlimited, and unconditional love. We thank Thee for our daily bread and for supplying our every need. We ask Thy blessings upon this prestigious legislative body. As You led our forefathers to the shores of this great country that they might lay here the foundations of civil and religious liberty, we pray that You would also lead these Senators to enact laws that will ensure life, liberty, justice, and the pursuit of happiness for all mankind. Grant, Oh Lord, that they may be men and women of courage and of wisdom. Grant them courage enough to stand for the right and wisdom enough to make right that which is wrong or unjust. Guide them when they cannot see the way. Make them instruments of Thy peace. Bless them according to their needs. Make them to know that from everlasting to everlasting Thou art God, our Divine King, and Leader. We thank Thee for renewing our strength for the tasks of this day. These thanks we give and these petitions we ask in Thy Most Holy and Righteous Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Ezzell.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

H.B. 931 (Committee Substitute), a bill to provide remedies for consumers of new motor vehicles that do not conform to express warranties, with a favorable report, as amended.

H.B. 1100, a bill to allow small businesses and others who repair personal property, other than motor vehicles, to dispose of certain unclaimed property, with a favorable report, as amended.

H.B. 1101 (Committee Substitute), a bill to regulate going out of business and distress sales, with a favorable report, as amended.

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

H.B. 100 (Committee Substitute), a bill to make certain changes in the distributive award of vested pension and retirement benefits, with a favorable report.

By Senator Swain for the **Judiciary III Committee:**

H.B. 145, a bill to increase the magistrate's jurisdiction to accept guilty pleas for worthless checks of not more than one thousand dollars, with a favorable report.

H.B. 944 (Committee Substitute), a bill to authorize an additional deputy sheriff and an additional deputy register of deeds in each county, with a favorable report.

H.B. 1035, a bill to reduce the amount of liability insurance that must be possessed by certain bus lines operating only in North Carolina, with a favorable report.

H.B. 1285, a bill to clarify the sponsoring of meetings of professional organizations, with a favorable report.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

H.B. 896 (Committee Substitute), a bill to provide that the City of Clinton need not mail zoning notices to areas newly annexed or newly added to its extraterritorial jurisdiction, with a favorable report.

H.B. 908 (Committee Substitute), a bill to repeal obsolete local acts relating to Chatham County, with a favorable report.

H.B. 610, a bill to authorize Pamlico County to dispose of property by private sale in connection with and installment purchase arrangement for construction of a social services building, with a favorable report, as amended.

H.B. 641 (Committee Substitute), a bill to redefine the newspapers eligible to accept legal advertising in the Towns of Mint Hill and Matthews, with a favorable report, as amended.

By Senator Martin of Guilford for the **Higher Education Committee:**

H.B. 1189 (Committee Substitute), a bill to rewrite the criminal offense of forgery of transcripts and diplomas, with a favorable report, as amended.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1199, a bill to simplify the method for payment of out-of-state witnesses in criminal cases.
Referred to **Appropriations Committee.**

H.B. 1273, a bill to provide permanent registration plates for disaster relief motor vehicles.
Referred to **Transportation Committee.**

S.B. 290, a bill to amend the Charter of the City of Charlotte relating to the establishment of contract specification requirements, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for Thursday, June 11.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 617, a bill to permit Caswell County to collect a motor vehicle tax of not more than fifteen dollars, upon third reading.
The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follow:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 8 (House Committee Substitute), a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Hipps, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow for concurrence upon third reading.

S.B. 319, a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies, for concurrence in the House Committee Substitute bill, which changes the title to read, **S.B. 319** (House Committee Substitute), a bill to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies and concerning construction of Mecklenburg Stadium.

On motion of Senator Richardson, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, as amended, upon third reading.

On motion of Senator Harris, consideration of the bill, as amended, is postponed until Thursday, June 11.

H.B. 286, a bill to amend Chapter 20 of the General Statutes to make passenger capacity of buses consistent with regulation by the Utilities Commission under provisions of Chapter 62 of the General Statutes., upon third reading

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 989, a bill authorizing the issuance of revenue bonds to finance projects on the Centennial Campus of North Carolina State University at Raleigh, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of

Guilford, Marvin, Parnell, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 454, a bill concerning the powers of housing authorities, upon second reading.

Senator Block offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer.

On motion of Senator Goldston, the Committee Amendment No. 1 is adopted.

The Chair declares the bill, as amended, requires a call of the roll.

Senator Winner offers Amendment No. 2.

Senator Rauch calls the previous question, seconded by Senator Rand. The call is sustained.

Amendment No. 2 fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 4 which fails of adoption (electronically recorded).

Senator Rauch, seconded by Senator Harris, offers a motion that the vote by which Amendment No. 4 failed of adoption be reconsidered, and further moves that that motion do lie upon the table, which motion prevails (electronically recorded). The motion to reconsider Amendment No. 4 lies upon the table.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--45.

Voting in the negative: Senators Swain and Winner--2.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 544, an act to authorize the DOT to exchange uneconomic remnants created by highway construction. (Ch. 324)

S.B. 780, an act to exempt businesses with a net worth of more than five million dollars from the requirements of the business opportunity sales requirements of Chapter 66 of the General Statutes. (Ch. 325)

H.B. 538, an act to amend the educational requirements for licensure of practicing psychologists and to allow licensure of psychologists trained in foreign educational institutions. (Ch. 326)

H.B. 625, an act to amend Chapter III of the Charter of the City of High Point relating to police pensions. (Ch. 327)

H.B. 1165, an act to require that State allotted and other full-time assistant principals meet the certification requirements applicable to principals. (Ch. 328)

H.J.R. 991, a joint resolution honoring the life and memory of Marion Holt "Jack" Brock. (Res. 27)

CALENDAR (Continued)

H.B. 498, a bill to amend the definition of human service transportation.

On motion of Senator Goldston, consideration of the bill is postponed until Thursday, June 11.

H.B. 727 (Senate Committee Substitute), a bill to amend the Social Services Appeals Law.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 113, a bill to permit the governing body of a taxing unit to allow the tax collector to adjust small underpayments and overpayments of property tax, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 459 (Committee Substitute), a bill to allow North Carolina commercial fishermen to form Hull Insurance, and Protection and Indemnity Clubs, for concurrence in House Amendment No. 1.

On motion of Senator Barker, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 462 (Committee Substitute), a bill to provide for standards for long-term care insurance, for concurrence in House Amendment No 1.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 246 (Committee Substitute), a bill to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims, with a favorable report, as to concurrence in House Amendments No. 1 and No. 2.

By Senator Soles for the **Judiciary IV Committee:**

H.B. 975, a bill to improve the North Carolina Securities Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill, which changes the title to read, **H.B. 975** (Committee Substitute), a bill to improve the North Carolina Securities Act and the Business Corporation Act, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Thursday, June 11, for further consideration.

On motion of Senator Harrington, seconded by Senator Simpson, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, June 10, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend John Nagel, Minister of Christ the King Lutheran Church, Cary, as follows:

"Lord God, it's only Wednesday, and already we're becoming fatigued. The absence from family and business seems greater all the time. The desire for superhuman endurance eludes us. The pressures of our individual lives collide with the work of the State. The days lengthen, and the needs remain so great. There are days when we wonder if anyone notices what we do. And there are days when we're certain nothing we do matters very much.

"And yet, in Your continuing love, You remind us of the constancy of Your Presence, that no work is done without Your support. So send Your strength to these who labor on our behalf, so that the work takes on new meaning. Increase Your guidance, that our leaders may be honest in their feelings, responsive to their constituents, and careful in their deliberations. Let justice and mercy abound, that our people may be served, our State may be blessed, and Your Name glorified through Your intentions carried out in this Chamber, this day. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Ezzell. (Senator Ezzell is noted present for a portion of today's Session.)

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 319 (House Committee Substitute), an act to authorize the City Manager of Charlotte to waive the requirement for bid deposits on bids for equipment, material, and supplies and concerning construction of Mecklenburg Stadium. (Ch. 329)

S.B. 459 (Committee Substitute), an act to allow North Carolina commercial fishermen to form Hull Insurance, and Protection and Indemnity Clubs. (Ch. 330)

S.B. 462 (Committee Substitute), an act to provide for standards for long-term care insurance. (Ch. 331)

S.B. 873, an act to make a technical and clarifying change to the Bank Holding Company Act of 1984. (Ch. 332)

H.B. 286, an act to amend Chapter 20 of the General Statutes to make passenger capacity of buses consistent with regulation by the Utilities Commission under provisions of Chapter 62 of the General Statutes. (Ch. 333)

H.B. 617, an act to permit Caswell County to collect a motor vehicle tax of not more than fifteen dollars. (Ch. 334)

H.B. 771, an act to provide immunity to members of the North Carolina Agricultural Finance Authority and to clarify the rule-making procedures applicable to various agencies. (Ch. 335)

H.B. 989, an act authorizing the issuance of revenue bonds to finance projects on the Centennial Campus of North Carolina State University at Raleigh. (Ch. 336)

H.B. 1019, an act to raise the speed limit for activity buses. (Ch. 337)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Judiciary III Committee**:

H.B. 1013 (Committee Substitute), a bill to require round by round scoring in boxing in Lincoln County, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

H.B. 564 (Committee Substitute), a bill to authorize research involving voluntary clients at State facilities for the mentally ill, with a favorable report.

H.B. 677, a bill to authorize area authorities to use State or local funds for the purchase or repair of 24-hour and day facilities, with a favorable report.
On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee**.

H.B. 1052 (Committee Substitute), a bill to amend the Certificate of Need Law, with a favorable report.

By Senator Goldston for the **Transportation Committee**:

H.B. 946, a bill regarding lighting equipment on semitrailers, with a favorable report.

H.B. 588, a bill to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes, with a favorable report, as amended.

By Senator Conder for the **Children and Youth Committee**:

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 817 (Committee Substitute), a bill to authorize Lenoir County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

S.B. 347 a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read, **S.B. 347** (House Committee Substitute), a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, and making conforming changes concerning absentee voting.
Referred to **Election Laws Committee.**

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 11.

WITHDRAWAL FROM COMMITTEE

H.J.R. 91, a joint resolution honoring the life and memory of Dr. Ronald E. McNair, astronaut and distinguished scientist.
Without objection, on motion of Senator Harrington, the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for tomorrow, June 11, as Special Order of Business No. 1.

H.J.R. 313, a joint resolution honoring the life and memory of Michael Smith, one of the Challenger astronauts.
Without objection, on motion of Senator Harrington, the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for tomorrow, June 11, as Special Order of Business No. 2.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 908 (Committee Substitute), a bill to repeal obsolete local acts relating to Chatham County, upon second reading.
The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.
Voting in the negative: None.
The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 610, a bill to authorize Pamlico County to dispose of property by private sale in connection with and installment purchase arrangement for construction of a social services building.
On motion of Senator Hunt of Moore, Committee Amendment No. is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 641 (Committee Substitute), a bill to redefine the newspapers eligible to accept legal advertising in the Towns of Mint Hill and Matthews.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 896 (Committee Substitute), a bill to provide that the City of Clinton need not mail zoning notices to areas newly annexed or newly added to its extraterritorial jurisdiction.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 8 (House Committee Substitute), a bill to merge the Towns of Hazelwood and Waynesville, subject to referendum, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Hipps, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 318 (Committee Substitute), a bill to classify property owned by certain nonprofit homes for the aged, sick or infirm and exclude this property from taxation, with a favorable report.

H.B. 664, a bill to provide for conservation, management, enhancement and protection of wildlife species which are endangered, threatened or the subject of special concern, with a favorable report.

H.B. 668, a bill to rewrite the Charter of the Town of Carrboro, with a favorable report.

S.B. 217, a bill to promote economic development by authorizing tax credits for certain business investments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 217** (Committee Substitute), a bill to promote economic development by authorizing tax credits for certain business investments and by authorizing the creation of North Carolina Capital Resource Corporations, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Ways and Means Committee.**

H.B. 917, a bill making sundry amendments concerning local governments in Orange and Chatham Counties, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Rauch, the Senate Committee Substitute bill is placed on the Calendar for Friday, June 12, for further consideration.

By Senator Taft for the **State Personnel Committee:**

H.B. 793 (Committee Substitute), a bill to redefine the relationship of State Personnel Commission policies and coverage by selected portions of the State Personnel Act to teaching employees of the Departments of Human Resources and Correction, with a favorable report.

H.B. 648 (Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 1122, a bill to allow real property to be disposed of by redevelopment commissions at sealed bids and by exchange, with a favorable report.

S.B. 1070, a bill to rewrite laws relating to North Carolina's Land Records Management Program, to repeal the sunset provision to terminate the Program and to appropriate funds to expand the Program and purchase a global positioning system to enhance the Program, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

H.B. 609, a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 609** (Senate Committee Substitute), a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission and to clarify Chapter 105 of the 1987 Session Laws, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Friday, June 12, for further consideration.

H.B. 1107, a bill to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1107** (Senate Committee Substitute), a bill to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities, and to amend the General Statutes to permit constituent institutions of the University of North Carolina to establish campus law enforcement agencies, is placed before the Senate for

immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Friday, June 12, for further consideration.

RE-REFERRAL

H.B. 1136 (Committee Substitute), a bill making conforming and technical amendments to the General Statutes concerning Administrative Procedure.

Without objection, on motion of Senator Barnes, the Committee Substitute bill is taken from the **Judiciary I Committee** and re-referred to the **Judiciary IV Committee.**

CALENDAR (Continued)

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer, as amended, upon third reading.

Senator Johnson of Cabarrus offers Amendment No. 5.

Senator Rauch calls the previous question, seconded by Senator Harris. The call is sustained.

Amendment No. 5 fails of adoption (electronically recorded).

Senator Rauch calls the previous question, seconded by Senator Harris. The call is sustained.

Senator Swain rises to a point of order as to the motion for the previous question having been offered by the Senator properly recognized by the Chair. The Chair fails to sustain the point of order citing his previous ruling as to the member who yields for a question being awarded the floor for purpose of a motion.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--44.

Voting in the negative: Senators Hipps, Swain, and Winner--3.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 454, a bill concerning the powers of housing authorities, as amended, upon third reading.

Senator Block offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Warren, and Winner--39.

Voting in the negative: Senator Somers--1.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1035, a bill to reduce the amount of liability insurance that must be possessed by certain bus lines operating only in North Carolina, upon second reading.

On motion of Senator Swain, consideration of the bill is postponed until tomorrow, June 11.

H.B. 1101 (Committee Substitute), a bill to regulate going out of business and distress sales, upon second reading.

On motion of Senator Soles, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--41.

Voting in the negative: Senator Kaplan--1.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 100 (Committee Substitute), a bill to make certain changes in the distributive award of vested pension and retirement benefits.

Senator Hunt of Durham offers a motion that the Committee Substitute bill be re-referred to the **Judiciary III Committee**.

Senator Hunt of Moore offers a substitute motion that the Committee Substitute bill be re-referred to the **Judiciary I Committee**, which motion prevails (electronically recorded). The Committee Substitute bill is re-referred to the **Judiciary I Committee**.

H.B. 145, a bill to increase the magistrate's jurisdiction to accept guilty pleas for worthless checks of not more than one thousand dollars.

On motion of Senator Swain, consideration of the bill is postponed until tomorrow, June 11.

H.B. 931 (Committee Substitute), a bill to provide remedies for consumers of new motor vehicles that do not conform to express warranties.

On motion of Senator Soles, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 944 (Committee Substitute), a bill to authorize an additional deputy sheriff and an additional deputy register of deeds in each county.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until tomorrow, June 11.

H.B. 1285, a bill to clarify the sponsoring of meetings of professional organizations.

On motion of Senator Swain, consideration of the bill is postponed until tomorrow, June 11.

RE-REFERRALS

H.B. 637, a bill to amend the definition of abused juveniles in Chapter 7A.

Without objection, on motion of Senator Johnson of Wake, the bill is taken from the **Judiciary II Committee** and re-referred to the **Judiciary III Committee**.

H.B. 1030 (Committee Substitute), a bill to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings.

Without objection, on motion of Senator Swain, the Committee Substitute bill is taken from the **Judiciary III Committee** and re-referred to the **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2153, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

Referred to **Board of Community Colleges Select Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 622

House of Representatives
June 9, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H.B. 622,** A BILL TO PROVIDE OFFICIAL LICENSE PLATES FOR THE CLERKS OF SUPERIOR COURT, and requests conferees. The Speaker has appointed Representatives Anderson, E. Warren, and Hunter on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Goldston moves that the President appoint conferees, which motion prevails. The President appoints Senators Goldston, Barker, and Marvin as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Royall, seconded by Senator Allran, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, June 11, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Rabbi Abe W. Schoen, Beth Meyer Synagogue, Raleigh, as follows:

"Almighty G-D, we invoke Thy blessings upon the legislators of the State of North Carolina, our Governor, the Lieutenant Governor, the President of the United States, and all who exercise governmental authority in our country. Endow them with the

wisdom, discernment, and sense of responsibility to administer all the affairs of government, equitably and prudently.

"May this month in which we honor our fathers, remind us that the human family shares a common heritage, and thereby we will be inspired to banish hatred, bigotry, greed, and strife from our midst. In Thy lovingkindness, O L-RD, shower all of us with the abundance of Thy blessings. Amen."

The President grants leaves of absence for today to Senators Royall and Thomas. (Senator Royall is noted present for a portion of today's Session.)

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants courtesies of the gallery to Jane Smith, widow of Challenger astronaut Michael Smith, to Pearl McNair, mother of Challenger astronaut Ronald E. McNair, and to family, and friends of the two North Carolinians whose lives were lost on January 28, 1986.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee:**

H.B. 551 (Committee Substitute), a bill concerning voluntary admissions and discharges of minors at facilities for the mentally ill and substance abusers, with a favorable report.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 376 (Committee Substitute), a bill to make the decision of Superior Court binding when it affirms the decision of the Personnel Commission and to require that notice be given to the County when a local employee files an action pursuant to G.S. 126-37 against most local appointing authorities and to make that ensuing decision of Superior Court binding on the county, with a favorable report.

H.B. 1162, a bill to provide that a defendants's real property, personal property, and income may be attached to obtain restitution, with a favorable report.

H.B. 1175, a bill to provide for an interlocutory appeal, with a favorable report.

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 803, a bill to allow court reports to transcribe court records electronically recorded by others, with a favorable report.

On motion of Senator Johnson of Wake, the bill is placed on the Calendar for Monday, June 15.

H.B. 929, a bill to authorize a metropolitan sewerage district to require connection to the metropolitan sewerage system lines, with a favorable report.

On motion of Senator Johnson of Wake, the bill is placed on the Calendar for Monday, June 15.

By Senator Swain for the **Judiciary III Committee:**

H.B. 636, a bill to permit prospective adoptive parents to petition to terminate parental rights without prior adjudication of abuse or neglect, with a favorable report.

H.B. 786 (Committee Substitute No. 2), a bill to require that treatment-related records accompany a juvenile to training school, with a favorable report.

H.B. 889, a bill to provide that Duplin County may be an alternative site for State prison facilities, with a favorable report.

H.B. 1182 (Senate Committee Substitute), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Swain, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 15, for further consideration.

By Senator Kaplan for the **Election Laws Committee**:

H.B. 179 (Committee Substitute), a bill to require political advertising to be labeled accurately, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 559 (Committee Substitute), a bill to allow unaffiliated voters to vote in the primary election of the party which authorizes that voter to vote, so as to comply with a decision of the Supreme Court of the United States, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 635, a bill to allow absentee voting conducted by the Mooresville Municipal Board of Elections, with a favorable report.

On motion of Senator Kaplan, the rules are suspended and the bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 858, a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 864, a bill allowing the Pitt County Board of Elections to cross township lines in drawing precinct lines, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 1040 (Committee Substitute), a bill to allow military absentee voters to apply for absentee ballots for all the elections in a calendar year, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 1070, a bill to require the prompt return of ballot boxes, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 1088 (Committee Substitute), a bill to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 139, a bill to provide that in preparation of the general election ballot, the State Board of Elections may not divide the Appellate Division into more than one ballot, and may not divide the Superior Court into more than one ballot, with a favorable report, as amended.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 495, a bill to clarify when seventeen year olds can register to vote for the party primary election, with a favorable report, as amended.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 549, a bill to provide for continued compliance with the federal Voting Accessibility for the Elderly and Handicapped Act, with a favorable report, as amended.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16.

H.B. 863 (Committee Substitute), a bill providing for the election of the Pitt County Board of Commissioners, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Kaplan, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 15, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 8 (House Committee Substitute), an act to merge the Towns of Hazelwood and Waynesville, subject to referendum. (Ch. 338)

H.B. 896 (Committee Substitute), an act to provide that the City of Clinton need not mail zoning notices to areas newly annexed or newly added to its extraterritorial jurisdiction. (Ch. 339)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

H.J.R. 91

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **H.J.R. 91**, a joint resolution honoring the life and memory of Dr. Ronald E. McNair, astronaut and distinguished scientist.

The joint resolution passes its second (electronically recorded) and third readings unanimously with members standing and is ordered enrolled.

SPECIAL ORDER NO. 2

H.J.R. 313

The hour having arrived for the consideration of Special Order No. 2, the President of the Senate lays before the Senate Special Order No. 2, it being **H.J.R. 313**, a joint

resolution honoring the life and memory of Michael Smith, one of the Challenger astronauts.

The joint resolution passes its second (electronically recorded) and third readings unanimously with members standing and is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee:**

H.B. 1269 (Committee Substitute), a bill to allow boards of education to elect superintendents in months other than April, with a favorable report.

H.B. 1011, a bill to replace the public school central payroll with a uniform education reporting system, with a favorable report, as amended.

CALENDAR (Continued)

Bills and resolutions on the Calendar, carried forward as unfinished business from Wednesday, June 10, are taken up and disposed of as follows:

H.B. 1100, a bill to allow small businesses and others who repair personal property, other than motor vehicles, to dispose of certain unclaimed property.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1189 (Committee Substitute), a bill to rewrite the criminal offense of forgery of transcripts and diplomas.

On motion of Senator Martin of Guilford, Committee Amendment No. 1 adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 246 (Committee Substitute), a bill to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Taft, the Senate concurs in House Amendments No. 1 and No. 2, and the Committee Substitute bill is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

H.B. 908 (Committee Substitute), a bill to repeal obsolete local acts relating to Chatham County, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 668 (Senate Committee Substitute), a bill to rewrite the Charter of the Town of Carrboro, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 635, a bill to allow absentee voting conducted by the Mooresville Municipal Board of Elections.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1013 (Committee Substitute), a bill to require round by round scoring in boxing in Lincoln County.

The Committee Substitute bill fails to pass its second reading.

S.B. 290, a bill to amend the Charter of the City of Charlotte relating to the establishment of contract specification requirements, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Richardson, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded) and the bill is ordered enrolled.

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, as amended, upon third reading.

On motion of Senator Harris, consideration of the bill, as amended, is postponed until Monday, June 15.

H.B. 1101 (Committee Substitute), a bill to regulate going out of business and distress sales, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1035, a bill to reduce the amount of liability insurance that must be possessed by certain bus lines operating only in North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Warren, and Winner--45.

Voting in the negative: Senator Simpson--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1052 (Committee Substitute), a bill to amend the Certificate of Need Law, upon second reading.

Senator Rand, Chairman of the Base Budget Committee, requests a fiscal note. The Chair places the Committee Substitute bill on the Calendar for Tuesday, June 16, upon second reading for receipt of a fiscal note.

H.B. 145, a bill to increase the magistrate's jurisdiction to accept guilty pleas for worthless checks of not more than one thousand dollars.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 318 (Committee Substitute), a bill to classify property owned by certain non-profit homes for the aged, sick or infirm and exclude this property from taxation.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 498, a bill to amend the definition of human service transportation.

Senator Goldston offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 564 (Committee Substitute), a bill to authorize research involving voluntary clients at State facilities for the mentally ill.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 648 (Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such.

With unanimous consent, Senator Conder withdraws Committee Amendment No. 1.

Senator Sands offers Amendment No. 2 which is adopted (electronically recorded).

Senator Swain offers Amendment No. 3.

On motion of Senator Taft, the Committee Substitute bill, as amended, with Amendment No. 3 pending, is recommitted to the **State Personnel Committee**.

H.B. 664, a bill to provide for conservation, management, enhancement and protection of wildlife species which are endangered, threatened or the subject of special concern, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 793 (Committee Substitute), a bill to redefine the relationship of State Personnel Commission policies and coverage by selected portions of the State Personnel Act to teaching employees of the Departments of Human Resources and Correction.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until Monday, June 15.

H.B. 944 (Committee Substitute), a bill to authorize an additional deputy sheriff and an additional deputy register of deeds in each county.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 946, a bill regarding lighting equipment on semitrailers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 975 (Senate Committee Substitute), a bill to improve the North Carolina Securities Act and the Business Corporation Act.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1122, a bill to allow real property to be disposed of by redevelopment commissions at sealed bids and by exchange.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued.

Senator Johnson of Cabarrus offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill passes its second reading (electronically recorded).

On objection of Senator Shaw to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 1285, a bill to clarify the sponsoring of meetings of professional organizations.

The bill passes its second reading (electronically recorded).

Senator Simpson objects to the third reading of the bill.

Without objection, on motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 16, upon third reading.

H.B. 588, a bill to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes, upon third reading.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 931 (Committee Substitute), a bill to provide remedies for consumers of new motor vehicles that do not conform to express warranties, as amended, upon third reading.

Senator Rand offers Amendment No. 3, deleting Amendment No. 1, which is adopted (electronically recorded).

Senator Johnson of Wake offers Amendment No. 4, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2, No. 3, and No. 4.

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts, for concurrence in House Amendments No. 1 and No. 2.

Without objection, the Chair orders the bill recommitted to the **Alcoholic Beverage Control Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 609 (Senate Committee Substitute), a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission and to clarify Chapter 105 of the 1987 Session Laws.

Without objection, on motion of Senator Barnes, the Senate Committee Substitute bill is taken from the Calendar for tomorrow, June 12, and is placed on the Calendar for Tuesday, June 16.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1098, a bill to change the date for payment of assessments against primary forest products.

Referred to **Finance Committee.**

H.B. 1166 (Committee Substitute), a bill to amend the law regarding food, drugs, and cosmetics.

Without objection, pursuant to Rule 41(b), the Chair orders the bill held in the Office of the Principal Clerk.

S.B. 468, a bill to extend the exemption from the insurance law of manufacturer and seller warranties to all goods, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 12.

On motion of Senator Harrington, seconded by Senator Bryan, the Senate adjourns to meet tomorrow at 10:00 A.M.

EIGHTY-NINTH DAY

SENATE CHAMBER,
Friday, June 12, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of all Faiths, we thank Thee for the people called Methodists whose representatives met this week in Fayetteville and Lake Janualuska, and we pray Thy special blessing upon all Methodist ministers who have received new appointments and who now begin ministeries in new communities.

"Bless the Baptists, the Presbyterians, the Moravians, the Roman Catholics, the Methodists, and the ministers and members of all other Churches that they may be men and women of faith who serve Thee not only on foreign mission fields but who serve their fellow human beings with love and compassion and on those mission fields in North Carolina where they live, work, and play.

"Bless the Members of this Body that they may apply their faith and their religious principles to the budget and bills pending in the General Assembly that they may set a worthy example in their local churches, synagogues, and communities, and that they may be men and women of integrity, love, and compassion not only in their places of worship, but in their places of work.

"Bless the followers of all faiths in this land and every land, that in a world of bigotry, injustice, and war that they may work for brotherhood, justice, and peace. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Barnes; Senator Cobb, who is attending a conference in Atlanta; to Senator Royall, due to illness; and to Senator Seymour, who is speaking at the 48th North Carolina Girls State at the University of North Carolina in Greensboro.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

S.B. 227 (House Committee Substitute), a bill to make the Shad Boat the official State historical boat, with a favorable report, as to concurrence.

On motion of Senator Harrington, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate does concur in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

H.B. 697, a bill to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H.B. 697** (Senate Committee Substitute), a bill to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees and to make other changes in the law pertaining to wildlife license fees for citizens of other states, is placed before the Senate for immediate consideration, and on her further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Tally, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Winner for the **Environment Committee:**

H.B. 1061 (Committee Substitute), a bill to protect caves, with a favorable report, as amended.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for Tuesday, June 16.

H.B. 807, a bill to authorize the Environmental Management Commission to consider the financial capability and performance history of applicants for air and water discharge permits prior to granting such permits, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H.B. 807** (Senate Committee Substitute), a bill to authorize the Environmental Management Commission to consider the financial capability and performance history of applicants for air and water discharge permits prior to granting such permits and to amend the requirements applicable to

hazardous waste facility permits, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar Tuesday, June 16.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 840 (Committee Substitute), a bill to improve programs for certifying wastewater treatment plant operators.

Referred to **Human Resources Committee.**

S.B. 328, a bill to amend the structural pest control law to provide for civil penalties, applicator training and staggered licensing, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 668 (Senate Committee Substitute), a bill to rewrite the Charter of the Town of Carrboro, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--33.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 917 (Senate Committee Substitute), a bill making sundry amendments concerning local governments in Orange and Chatham Counties, upon second reading.

Senator Walker offers Amendment No. 1, held to be material, which is adopted (electronically recorded) constituting the first reading of the bill.

The Senate Committee Substitute bill, as amended, remains on the Calendar for Monday, June 15, upon second reading.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee:**

H.B. 1270 (Committee Substitute), a bill to amend the law regarding school reassignment hearings, with a favorable report, as amended.

S.B. 699, a bill to enact the school and student improvement program, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill which changes the title to read **S.B. 699** (Committee Substitute), a bill to

enact the school and student improvement program, including the implementation of up to eight pilot programs, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Warren, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 790 (Committee Substitute), a bill to amend the law pertaining to the public school calendar and to make a conforming change in the law respecting the workweek of occupational education teachers, with an unfavorable report as to Committee Substitute bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H.B. 790** (Senate Committee Substitute), a bill to amend the law pertaining to the public school calendar, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Warren, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 16.

RE-REFERRAL

H.B. 1008, a bill to provide a separate ballot for multi-seat races, except where mechanical voting machines are used.

Without objection, on motion of Senator Kaplan the rules are suspended and the bill is taken from the **Appropriations Committee** and re-referred to the **Election Laws Committee.**

CALENDAR (Continued)

H.B. 1035, a bill to reduce the amount of liability insurance that must be possessed by certain bus lines operating only in North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Block, Bryan, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner--33.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 376 (Committee Substitute), a bill to make the decision of Superior Court binding when it affirms the decision of the Personnel Commission and to require that notice be given to the County when a local employee files an action pursuant to G.S. 126-37 against most local appointing authorities and to make that ensuing decision of Superior Court binding on the county.

On motion of Senator Hipps, consideration of the Committee Substitute bill is postponed until Tuesday, June 16.

H.B. 551 (Committee Substitute), a bill concerning voluntary admissions and discharges of minors at facilities for the mentally ill and substance abusers.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 636, a bill to permit prospective adoptive parents to petition to terminate parental rights without prior adjudication of abuse or neglect.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 786 (Committee Substitute No. 2), a bill to require that treatment-related records accompany a juvenile to training school.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 184, an act to direct the public schools to refer students who drop out of the public schools to appropriate services. (Ch. 340)

S.B. 195, an act to provide for enforcement of building and other codes by the County of Craven as to property of Craven Community College rather than by cities in that County. (Ch. 341)

S.B. 234, an act to amend the Town of Rennert's Charter to provide for the Mayor to have the same right to vote as members of the Board of Commissioners. (Ch. 342)

S.B. 246 (Committee Substitute), an act to reinstate the 1976 Professional Liability Reporting Act and to authorize the Commissioner of Insurance to conduct studies of medical malpractice claims. (Ch. 343)

S.B. 290, an act to amend the Charter of the City of Charlotte relating to the establishment of contract specification requirements. (Ch. 344)

S.B. 316, an act to amend the licensure law for mental health, mental retardation, and substance abuse services. (Ch. 345)

S.B. 327, an act to make the child support expedited process conform with federal and State law. (Ch. 346)

S.B. 396, an act to name "milk" as the State Beverage of North Carolina. (Ch. 347)

S.B. 460, an act concerning staggered terms for the Town of Laurel Park. (Ch. 348)

S.B. 505, an act to provide for the use of a facsimile signature and seal by the Secretary of State. (Ch. 349)

S.B. 536, an act to provide for the termination of certain railroad rights of way. (Ch. 350)

S.B. 580, an act to expand the Polk County Development Commission. (Ch. 351)

S.B. 700, an act to permit the Department of Human Resources to enter into interstate reciprocal agreements for the transfer of driving under the influence offenders. (Ch. 352)

S.B. 757, an act to provide that certain legal qualifications shall count as relevant experience for applicants for a certified public accountant examination. (Ch. 353)

S.B. 813, an act to require implementation of least cost planning initiatives by utilities. (Ch. 354)

H.B. 145, an act to increase the magistrate's jurisdiction to accept guilty pleas for worthless checks of not more than one thousand dollars. (Ch. 355)

H.B. 318 (Committee Substitute), an act to classify property owned by certain nonprofit homes for the aged, sick or infirm and exclude this property from taxation. (Ch. 356)

H.B. 531, an act to include in the list of those who shall be granted letters of administration, in order of priority, the next of kin of the decedent. (Ch. 357)

H.B. 564 (Committee Substitute), an act to authorize research involving voluntary clients at State facilities for the mentally ill. (Ch. 358)

H.B. 635, an act to allow absentee voting conducted by the Mooresville Municipal Board of Elections. (Ch. 359)

H.B. 969, an act to clarify the procedure for correcting errors in recorded instruments. (Ch. 360)

H.B. 908 (Committee Substitute), an act to repeal obsolete local acts relating to Chatham County. (Ch. 361)

H.B. 944 (Committee Substitute), an act to authorize an additional deputy sheriff and an additional deputy register of deeds in each county. (Ch. 362)

H.B. 946, an act regarding lighting equipment on semitrailers. (Ch. 363)

H.B. 1122, an act to allow real property to be disposed of by redevelopment commissions at sealed bids and by exchange. (Ch. 364)

H.J.R. 91, a joint resolution honoring the life and memory of Dr. Ronald E. McNair, astronaut and distinguished scientist. (Res. 28)

H.J.R. 313, a joint resolution honoring the life and memory of Michael Smith, one of the Challenger astronauts. (Res. 29)

CALENDAR (Continued)

H.B. 889, a bill to provide that Duplin County may be an alternative site for State prison facilities.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1011, a bill to replace the public school central payroll with a uniform education reporting system.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1107 (Senate Committee Substitute), a bill to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities, and to amend the General Statutes to permit constituent institutions of the University of North Carolina to establish campus law enforcement agencies.

On motion of Senator Hipps, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 16.

H.B. 1162, a bill to provide that a defendants's real property, personal property, and income may be attached to obtain restitution.

On motion of Senator Hipps, consideration of the bill is postponed until Tuesday, June 16.

H.B. 1175, a bill to provide for an interlocutory appeal.

On motion of Senator Hipps, consideration of the bill is postponed until Tuesday, June 16.

H.B. 1269 (Committee Substitute), a bill to allow boards of education to elect superintendents in months other than April.

Without objection, the Chair places the Committee Substitute bill on the Calendar for Monday, June 15.

H.B. 498, a bill to amend the definition of human service transportation, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued, upon third reading.

On motion of Senator Rand, consideration of the bill is postponed until Monday, June 15.

S.B. 468, a bill to extend the exemption from the insurance law of manufacturer and seller warranties to all goods, for concurrence in House Amendment No. 1.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 127 (Committee Substitute), a bill to require declarations of intent and petitions for write-in candidates, but exempting municipal and nonpartisan elections, with a favorable report.

H.B. 398, a bill to amend the bedding law, with a favorable report, as amended.

S.B. 236 (Committee Substitute), a bill to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for school facilities, to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for infrastructure improvements, and to create and appropriate funds for the North Carolina Clean Water Loan Subsidy and Grant Program, with an unfavorable report as to Committee Substitute bill, but favorable report as to Committee Substitute bill No. 2, held to be material.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill No. 2 which changes the title to read **S.B. 236** (Committee Substitute No. 2) a bill to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for infrastructure improvements, to create the North Carolina Clean Water Loan Subsidy and Grant Program, and to provide new schools for North Carolina, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill No. 2 is adopted, constituting the first reading of the bill.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee**.

On motion of Senator Harrington, seconded by Senator Shaw, the Senate adjourns to meet Monday at 8:00 P.M.

NINETIETH DAY

SENATE CHAMBER,
Monday, June 15, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Robert E. Poerschke, Professor of the Southeastern Baptist Theological Seminary, Wake Forest, as follows:

"O God, our help in ages past, our hope for years to come; our shelter from the stormy blast, and our eternal home, we thank You, Almighty God, for the blessings without number that are ours, for the rich heritage of our great nation, and of our noble State, and for the constant evidence of Your favor in preserving and keeping us to this day. We thank You, as well, for the leaders of our land; the President, our national congressmen, our North Carolina Representatives, and for these gathered here, officers and members of the North Carolina Senate, who are elected to guide our nation and our State in the days to come. During these sacred moments of prayer, we petition that You will grant to all of us Your Holy Shalom, Your Wholeness, Your Completeness, and Your peace, as well as the continuing assurance that You are yet here among us. Help us, one and all, to turn our thought toward You, to achieve Your understanding in our thinking, to claim for ourselves Your wisdom in our decision making, to open our hearts to Your Spirit, to achieve Your mercy in our judgments, and to capture Your love in our attitudes. Being so refreshed by Your great power, O God, grant that what is done here in this Chamber today, may be acceptable and pleasing in Your sight. Bless us in all that is right, and correct us in all that is wrong, and help us, ever, to see clearly the distinction between the two. Hear our prayer, O God. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senators Hardison, Thomas, and Walker.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 206, an act to authorize the City of Raleigh to continue certain economic development activities. (Ch. 365)

S.B. 227 (House Committee Substitute), an act to make the Shad Boat the official State historical boat. (Ch. 366)

S.B. 253, an act to clarify the definition of "private club" in G.S. 130A-247. (Ch. 367)

S.B. 328, an act to amend the structural pest control law to provide for civil penalties, applicator training and staggered licensing. (Ch. 368)

S.B. 468, an act to extend the exemption from the insurance law of manufacturer and seller warranties to all goods. (Ch. 369)

H.B. 551 (Committee Substitute), an act concerning voluntary admissions and discharges of minors at facilities for the mentally ill and substance abusers. (Ch. 370)

H.B. 636, an act to permit prospective adoptive parents to petition to terminate parental rights without prior adjudication of abuse or neglect. (Ch. 371)

H.B. 786 (Committee Substitute No. 2), an act to require that treatment-related records accompany a juvenile to training school. (Ch. 372)

H.B. 889, an act to provide that Duplin County may be an alternative site for State prison facilities. (Ch. 373)

H.B. 1035, an act to reduce the amount of liability insurance that must be possessed by certain bus lines operating only in North Carolina. (Ch. 374)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

S.B. 312 (Committee Substitute), a bill to create an Early Educational Program Study Commission, with a favorable report.
On motion of Senator Harrington, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 1119, a bill to authorize the Legislative Research Commission to study publications issued by State agencies, their necessity, function, and effectiveness, and the appropriateness of the scope of their distribution and to appropriate funds for the study, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

S.B. 1247, a bill to appropriate funds for the special Legislative Commission on Fairness in Taxation, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

S.B. 1328, a bill to authorize the Legislative Research Commission to study the issue of the growth of tourism and its effect on the economic growth of North Carolina, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

S.B. 1366, a bill to create the Legislative Efficiency Study Commission, with a favorable report.
On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

H.J.R. 843 (Committee Substitute), a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the 50th Anniversary of the Brown Creek Soil and Water Conservation District, with a favorable report.

H.J.R. 1294 a joint resolution honoring the life and memory of Howard Holly, with a favorable report.

S.B. 1174, a bill to authorize the Legislative Research Commission to study ferries and to appropriate funds for the study, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill, which changes the title to read, **S.B. 1174**, a bill to authorize the Legislative Research Commission to study ferries and their utilization in North Carolina and to appropriate funds for the study, is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.B. 1192, a bill to establish a Legislative Study Commission to review the structure of highway fund financing, to make recommendations for short range and long range solutions of highway funding requirements and to appropriate funds for the study, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

S.R. 1546, to amend the permanent rules of the Senate of the 1987 General Assembly to clarify the applicability of the licensing board procedure established by Chapter 180 of the 1987 Session Laws to bills already introduced, with recommendation for adoption.

S.B. 1504, a bill to permit the Legislative Research Commission to study the establishment of a State lottery, with an unfavorable report.

RE-REFERRAL

S.B. 434, a bill to establish the Public School Facilities Loan Fund, to authorize the issuance of $1.5 billion dollars in bonds of the State, subject to approval by the qualified voters of the State at a bond election, to provide funds for public school facilities through loans to counties, and to amend certain general and special laws.

By unanimous consent, on motion of Senator Smith, the rules are suspended and the bill is taken from the **Economic Development Committee** and is re-referred to the **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 9 (Committee Substitute), a bill to conform the penalties for late payments of inheritance tax to those applicable to late payments of all other taxes.

Referred to **Finance Committee.**

H.B. 650 (Committee substitute), a bill to authorize the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution system prior to construction or completion of such a system, subject to a referendum.

Referred to **Finance Committee.**

S.B. 868 (House Committee Substitute), a bill to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 917 (Senate Committee Substitute), a bill making sundry amendments concerning local governments in Orange and Chatham Counties, as amended, upon second reading.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Warren, and Winner--41.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 863 (Senate Committee Substitute), a bill providing for the election of the Pitt County Board of Commissioners.

The Senate Committee Substitute bill passes its second and third readings.

Without objection, on motion of Senator Taft, the Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, as amended, upon third reading.

On motion of Senator Harris, consideration of the bill, as amended, is postponed until tomorrow, June 16.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, upon third reading.

On motion of Senator Kaplan, consideration of the bill is postponed until Wednesday, June 17.

H.B. 127 (Committee Substitute), a bill to require declarations of intent and petitions for write-in candidates, but exempting municipal and nonpartisan elections, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 398, a bill to amend the bedding law, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan,

Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 929, a bill to authorize a metropolitan sewerage district to require connection to the metropolitan sewerage system lines, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 793 (Committee Substitute), a bill to redefine the relationship of State Personnel Commission policies and coverage by selected portions of the State Personnel Act to teaching employees of the Departments of Human Resources and Correction.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until tomorrow, June 16.

H.B. 803, a bill to allow court reports to transcribe court records electronically recorded by others.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1182 (Senate Committee Substitute No. 2), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt.

The Senate Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Senate Committee Substitute bill No. 2 remains on the Calendar for tomorrow for further consideration.

H.B. 1269 (Committee Substitute), a bill to allow boards of education to elect superintendents in months other than April.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1270 (Committee Substitute), a bill to amend the law regarding school reassignment hearings.

On motion of Senator Warren, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Johnson of Cabarrus objects to the third reading of the Committee Substitute bill, as amended, which objection he subsequently withdraws.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued, upon third reading.

Senator Shaw offers Amendment No. 2 which is adopted (electronically recorded).

Senator Sands offers Amendment No. 3.

On motion of Senator Block, further consideration of the bill, as amended, with Amendment No. 3 pending, is postponed until tomorrow, June 16.

WITHDRAWAL FROM COMMITTEE

H.J.R. 2153, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

By unanimous consent, on motion of Senator Conder, the rules are suspended and the joint resolution is taken from the **Select Committee on Community Colleges** and is placed before the Senate for immediate consideration.

Senator Conder offers Amendment No. 1.

On motion of Senator Taft, further consideration of the joint resolution, with Amendment No. 1 pending, is postponed until tomorrow, June 16.

The President recognizes the following pages serving in the Senate this week: Robert C. Alford, Wake Forest; Dan Auman, Raleigh; Idona Joyce Bailey, Raleigh; Mary-Margaret Barker, Oriental; Elizabeth Bass, Cary; Sonji Bell, Bayboro; James Boyette, Louisburg; Stephen Paul Braswell, Norwood; Susan Elaine Bullock, Robersonville; James Byers, Asheville; Scott Chandler, Mount Gilead; Edwina Crady, Hickory; Dennis H. Cooke III, Raleigh; April Scott Ellis, Greenville; David Fellerath, Asheville; Angel Lynne Fleming, Henderson; William Earl Hendrickson, Pinetops; Louise Hogan, Raleigh; Jennifer Beth Huffman, North Wilkesboro; Jenny Elizabeth Hutson, Greensboro; Brek Katherine Kath, Garner; John P. Kincaid, Lenoir; Suzanne Kurad, Hickory; Jennifer Marks, Raleigh; Rebecca Marks, Raleigh; Donald W. Miller II, Raleigh; Diana Mitchell, Raleigh; Sylvia Gale Robinson, Wilmington; Joanna Wall, Rockingham; Sarah McCullough Washburn, Lake Lure; Jessica Whitehurst, Raleigh; Dwight Anthony Wilder, Raleigh; and Amy Woodard, Raleigh.

On motion of Senator Harrington, seconded by Senator Kincaid, the Senate adjourns in memory of the Honorable Walter E. Brock, retired Justice of the North Carolina Supreme Court, to meet tomorrow at 1:30 P.M.

NINETY-FIRST DAY

SENATE CHAMBER,
Tuesday, June 16, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, who delivers his last invocation as Senate Chaplain prior to assuming his responsibilities as Superintendent of the Wilmington District of the North Carolina Conference of the United Methodist Church, as follows:

"Almighty God, I offer unto You my prayer of thanksgiving. For the opportunity which has been mine to serve You in this arena, for the integrity and leadership of our Lieutenant Governor, for the faithful labors of each member of the Senate staff, for the significant legislation passed in this Chamber, and for those times when integrity, vision, and compassion, have been demonstrated in lives and actions of the Members of this Body, I give You thanks, O Lord.

"O God of Strength, in the closing weeks of this Session of the General Assembly, renew our strength, our patience, and our perseverance that we may with wisdom, integrity, and compassion approve a budget and finish the other matters pending before this Body.

"O God of Integrity, deliver us from petty politics within political parties, between parties, and between Members of the House and Senate. As we wrestle with the approval of a budget, save us from bickering, childishness, and name calling which belittles our calling as legislators. Give the Members of the Senate and the House, courage to stand up for their convictions, but make us all tolerant of the views of others, and give us the wisdom to make those compromises which will enable us to approve bills and a budget which minister to the needs of all our citizens not just some special interest groups or some political faction. And when we have thus acted with maturity and integrity, we will have won the honor, respect, and thanks of the citizens of this great State.

"O God of Love, give us grace to love You with all our being, to love one another as You have loved us, to love our neighbor as ourselves, and to love even those who have wronged us so that love may become the hallmark of our lives. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Thomas.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1134, a bill to exempt real estate transfer taxes transfers to secured lenders foreclosing loans or accepting deeds in lieu of foreclosure.

Referred to **Finance Committee.**

S.B. 402, a bill to authorize the Department of Transportation to negotiate contracts with utility companies, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 17.

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 17.

S.B. 495 (Committee Substitute), a bill to amend the law regarding assistance dogs for the handicapped, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 17.

S.B. 743 (Committee Substitute), a bill to extend temporarily the authority of consumer finance licensees' affiliates to make home loans in the same office as the licensee, for concurrence in House Amendment No. 1.

Referred to **Commerce Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee:**

H.B. 226 (Committee Substitute), a bill to prohibit interference with civil rights, with a favorable report, as amended.

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds, with a favorable report, as amended.

By Senator Swain for the **Judiciary III Committee**:

H.B. 780 (Committee Substitute), a bill to amend the law regulating the practice of funeral service, with a favorable report.

H.B. 879, a bill to amend procedures for scheduling controlled substances, with a favorable report.

WITHDRAWAL FROM COMMITTEE

H.B. 1295 (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes.

On motion of Senator Hunt of Durham the rules are suspended by unanimous consent, and the Committee Substitute bill in taken from the **Pensions and Retirement Committee** and re-referred to the **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.R. 1546, to amend the permanent rules of the Senate of the 1987 General Assembly to clarify the applicability of the licensing board procedure established by Chapter 180 of the 1987 Session Laws to bills already introduced, for adoption.

On motion of Senator Rauch, the Senate resolution is adopted (electronically recorded). The text of this resolution appears as follows:

A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE OF THE 1987 GENERAL ASSEMBLY TO CLARIFY THE APPLICABILITY OF THE LICENSING BOARD PROCEDURE ESTABLISHED BY CHAPTER 180 OF THE 1987 SESSION LAWS TO BILLS ALREADY INTRODUCED.

Be it resolved by the Senate:

Section 1: Senate Rule 42.3, as contained in Senate Resolution 13 of the 1987 Session of the General Assembly and as adopted on March 31, 1987, reads as rewritten:

"RULE 42.3. **Assessment reports.**--Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing board or a study for the need to establish such a board shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, an assessment report from the Legislative Committee on New Licensing Boards, pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

Upon receipt of the request the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days. A supplementary report shall be prepared and submitted to the requesting Senator not later than 30 days after the receipt of the request."

Sec. 2. This resolution is effective upon adoption and, notwithstanding any other provision of law, shall apply to all legislation introduced into the Senate of the 1987 General Assembly.

H.B. 917 (Senate Committee Substitute), a bill making sundry amendments concerning local governments in Orange and Chatham Counties, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 864, a bill allowing the Pitt County Board of Elections to cross township lines in drawing precinct lines.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

S.B. 508, a bill to amend the assessment procedures for defendants sentenced for driving while impaired, as amended, upon third reading.

Senator Harris offers Amendment No. 2 which is adopted (electronically recorded).

Senator Plyler offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 127 (Committee Substitute), a bill to require declarations of intent and petitions for write-in candidates, but exempting municipal and nonpartisan elections, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 398, a bill to amend the bedding law, as amended, upon third reading.

On motion of Senator Royall, consideration of the bill, as amended, is postponed until tomorrow, June 17.

H.B. 929, a bill to authorize a metropolitan sewerage district to require connection to the metropolitan sewerage system lines, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1052 (Committee Substitute), a bill to amend the Certificate of Need Law, upon second reading.

On motion of Senator Walker, consideration of the Committee Substitute bill is postponed until, Tuesday, June 23.

H.B. 139, a bill to provide that in preparation of the general election ballot, the State Board of Elections may not divide the Appellate Division into more than one ballot, and may not divide the Superior Court into more than one ballot.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

H.B. 179 (Committee Substitute), a bill to require political advertising to be labeled accurately.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until tomorrow, June 17.

H.B. 376 (Committee Substitute), a bill to make the decision of Superior Court binding when it affirms the decision of the Personnel Commission and to require that notice be given to the County when a local employee files an action pursuant to G.S. 126-37 against most local appointing authorities and to make that ensuing decision of Superior Court binding on the county.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Simpson objects to the third reading of the Committee Substitute bill which objection he subsequently withdraws.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

H.B. 495, a bill to clarify when seventeen year olds can register to vote for the party primary election.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

H.B. 549, a bill to provide for continued compliance with the federal Voting Accessibility for the Elderly and Handicapped Act.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

H.B. 559 (Committee Substitute), a bill to allow unaffiliated voters to vote in the primary election of the party which authorizes that voter to vote, so as to comply with a decision of the Supreme Court of the United States.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until tomorrow, June 17.

H.B. 609 (Senate Committee Substitute), a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission and to clarify Chapter 105 of the 1987 Session Laws.

On motion of Senator Ezzell, the Senate Committee Substitute bill is recommitted to the **Judiciary I Committee.**

H.B. 790 (Senate Committee Substitute), a bill to amend the law pertaining to the public school calendar.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Somers offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 793 (Committee Substitute), a bill to redefine the relationship of State Personnel Commission policies and coverage by selected portions of the State Personnel Act to teaching employees of the Departments of Human Resources and Correction.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 807 (Senate Committee Substitute), a bill to authorize the Environmental Management Commission to consider the financial capability and performance history of applicants for air and water discharge permits prior to granting such permits and to amend the requirements applicable to hazardous waste facility permits.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.J.R. 843 (Committee Substitute), a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the 50th Anniversary of the Brown Creek Soil and Water Conservation District.

On motion of Senator Harrington, consideration of the Committee Substitute joint resolution is postponed until Thursday, June 18.

H.B. 858, a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

H.B. 1040 (Committee Substitute), a bill to allow military absentee voters to apply for absentee ballots for all the elections in a calendar year.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until tomorrow, June 17.

H.B. 1061 (Committee Substitute), a bill to protect caves.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1070, a bill to require the prompt return of ballot boxes.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, June 17.

H.B. 1088 (Committee Substitute), a bill to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until tomorrow, June 17.

H.B. 1107 (Senate Committee Substitute), a bill to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities, and to amend the General Statutes to permit constituent institutions of the University of North Carolina to establish campus law enforcement agencies.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1162, a bill to provide that a defendants's real property, personal property, and income may be attached to obtain restitution.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1175, a bill to provide for an interlocutory appeal.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.J.R. 1294 a joint resolution honoring the life and memory of Howard Holly.

On motion of Senator Harrington, consideration of the joint resolution is postponed until Thursday, June 18.

H.J.R. 2153, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges, with Amendment No. 1 pending.

On motion of Senator Conder, consideration of the joint resolution with Amendment No. 1 pending, is postponed until tomorrow, June 17, and on his further motion, the joint resolution is placed on the Calendar as Special Order of Business No. 1.

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued, as amended, upon third reading, with Amendment No. 3 pending.

On motion of Senator Rand, consideration of the bill, as amended, is postponed until tomorrow, June 17.

H.B. 1182 (Senate Committee Substitute No. 2), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt, upon third reading.

On motion of Senator Swain, consideration of the Senate Committee Substitute bill No. 2 is postponed until tomorrow, June 17.

H.B. 1285, a bill to clarify the sponsoring of meetings of professional organizations, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 200 (Committee Substitute), an act to authorize Carteret County to levy a room occupancy and tourism development tax. (Ch. 375)

S.B. 224, an act to authorize the Town of Beech Mountain to levy a room occupancy and tourism development tax. (Ch. 376)

S.B. 338, an act to authorize Halifax County to levy a room occupancy and tourism development tax. (Ch. 377)

S.B. 394, an act to provide for specialized plates for Pearl Harbor survivors. (Ch. 378)

S.B. 520, an act to authorize Rowan County to levy a room occupancy and tourism development tax. (Ch. 379)

S.B. 543, an act to exempt highway construction diaries from the public records statute. (Ch. 380)

H.B. 588, an act to correct the definition of motor vehicle dealer in Chapter 20 of the General Statutes. (Ch. 381)

H.B. 664, an act to provide for conservation, management, enhancement and protection of wildlife species which are endangered, threatened or the subject of special concern. (Ch. 382)

H.B. 724 (Committee Substitute), an act to authorize establishment of Community College System Foundations. (Ch. 383)

H.B. 803, an act to allow court reports to transcribe court records electronically recorded by others. (Ch. 384)

H.B. 931 (Committee Substitute), an act to provide remedies for consumers of new motor vehicles that do not conform to express warranties. (Ch. 385)

H.B. 1100, an act to allow small businesses and others who repair personal property, other than motor vehicles, to dispose of certain unclaimed property. (Ch. 386)

H.B. 1101 (Committee Substitute), an act to regulate going out of business and distress sales. (Ch. 387)

H.B. 1189 (Committee Substitute), an act to rewrite the criminal offense of forgery of transcripts and diplomas. (Ch. 388)

H.B. 1269 (Committee Substitute), an act to allow boards of education to elect superintendents in months other than April. (Ch. 389)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 1025, a bill relating to the power of cities and counties to control rents, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

H.B. 638 (Committee Substitute), a bill to prohibit interference with or obstruction of child protective services investigations, with a favorable report.

H.B. 192, a bill to adopt the Uniform Premarital Agreement Act, with a favorable report, as amended.

On motion of Senator Harrington, seconded by Senator Smith, the Senate adjourns to meet tomorrow at 1:30.

NINETY-SECOND DAY

SENATE CHAMBER,
Wednesday, June 17, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 53, an act to authorize the Greene County Committee of 100 to use previously appropriated funds to construct a building for industrial development rather than for mass gatherings. (Ch. 390)

S.B. 479, an act to permit the issuance of brown-bagging permits to veterans organizations. (Ch. 391)

H.B. 127 (Committee Substitute), an act to require declarations of intent and petitions for write-in candidates, but exempting municipal and nonpartisan elections. (Ch. 393)

H.B. 376 (Committee Substitute), an act to make the decision of Superior Court binding when it affirms the decision of the Personnel Commission and to require that notice be given to the County when a local employee files an action pursuant to G.S. 126-37 against most local appointing authorities and to make that ensuing decision of Superior Court binding on the county. (Ch. 394)

H.B. 793 (Committee Substitute), an act to redefine the relationship of State Personnel Commission policies and coverage by selected portions of the State Personnel Act to teaching employees of the Departments of Human Resources and Correction. (Ch. 395)

H.B. 929, an act to authorize a metropolitan sewerage district to require connection to the metropolitan sewerage system lines. (Ch. 396)

H.B. 1162, an act to provide that a defendants's real property, personal property, and income may be attached to obtain restitution. (Ch. 397)

H.B. 1175, an act to provide for an interlocutory appeal. (Ch. 398)

H.B. 1285, an act to clarify the sponsoring of meetings of professional organizations. (Ch. 399)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S.B. 868 (House Committee Substitute), a bill to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services, with a favorable report, as to concurrence.

H.B. 285 (Committee Substitute), a bill to require hospitals to establish protocols for organ procurement, with a favorable report.

H.B. 1272 (Committee Substitute), a bill to clarify the law regarding sanitary sewage system law and chemical toilets, with a favorable report.

H.B. 781 (Committee Substitute), a bill to establish a birth defects registry, with a favorable report, as amended.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is ordered re-referred to the **Appropriations Committee.**

H.B. 956, a bill to enable members of the Association for Retarded Citizens of North Carolina's Lifeguardianship Council to claim otherwise unclaimed bodies for burial or other humane and caring disposition, with a favorable report, as amended.

H.B. 752, a bill to make technical amendments to the Mental Health, Mental Retardation, and Substance Abuse Act of 1985, and conforming changes to the General Statutes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 752** (Senate Committee Substitute), a bill to make technical amendments to the Mental Health, Mental Retardation, and Substance Abuse Act of 1985, conforming changes to the General Statutes and authorize the Secretary of Human Resources to accept certain federal funds, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Harris, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 1046, a bill to require that the State Board of Examiners for Nursing Home Administrators consider comparable professional experience when granting exemptions for internship as administrators-in-training, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1046** (Senate Committee Substitute), a bill to allow the State Board of Examiners for Nursing Home Administrators to substitute comparable professional experience for the requirement of an internship as an administrator-in-training, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Harris, the Senate Committee Substitute bill is placed on the Calendar for Friday, June 19, for further consideration.

By Senator Seymour for the **Alcoholic Beverage Control Committee:**

H.B. 1219 (Committee Substitute), a bill to permit nonprofit organizations and political organizations to obtain permits for the sale of mixed beverages, with a favorable report.

By Senator Goldston for the **Transportation Committee:**

H.B. 714, a bill to provide a procedure for the withdrawal of a right-of-way dedicated for a future street, with a favorable report.

H.B. 628, a bill to require that headlights be illuminated in the fog, with a favorable report, as amended.

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 564, a bill to consolidate the regulation of migrant housing and to set forth the powers and duties of the Commissioner of Labor dealing with the regulation of migrant

housing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Rauch for the **Finance Committee:**

S.B. 18, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee.**

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms, with a favorable report.

S.B. 729, a bill to authorize the construction and financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee.**

H.B. 319 (Committee Substitute), a bill to encourage the marking of oyster and clam bottom areas, with a favorable report.

H.B. 425 (Committee Substitute), a bill to provide that nonresidents who fish outside North Carolina waters may obtain a vessel license during any month thereby allowing them to land and sell fish in North Carolina, as amended by the **Natural and Economic Resources and Wildlife Committee**, with a favorable report.

H.B. 818, a bill to extend the corporate limits of the Town of Hillsborough, as amended by the **Local Government and Regional Affairs II Committee**, with a favorable report.

S.B. 604 (Committee Substitute), a bill to provide for licensing of cotton warehouses, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

H.B. 586, a bill to amend the North Carolina Cemetery Act to enhance administration and protection of the public, with a favorable report, as amended.

S.B. 366, a bill to authorize Pitt County to levy a room occupancy and tourism development tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 366** (Committee Substitute), a bill to allow an income tax credit for property taxes paid by manufacturers on repair parts located in warehouses, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Ways and Means Committee.**

S.B. 723, a bill to provide for distribution to local governmental units of interest and other investment income earned on local sales and use taxes collected by the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Ways and Means Committee.**

S.B. 752, a bill to exempt foreign sales corporations from corporate income tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 752** (Committee Substitute), a bill to provide that foreign sales corporations shall be exempt from state income tax to the same extent as they are exempt from federal income tax, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Friday, June 19, for further consideration.

S.B. 820, a bill to make fee adjustments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill held to be material, which changes the title to read, **S.B. 820** (Committee Substitute), a bill authorizing the state and local governmental units and all agencies and instrumentalities of either to issue capital appreciation revenue, special obligation and general obligation bonds, the proceeds of which may be used by the purchaser for higher education and other needs, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted, constituting the first reading of the bill.

The Committee Substitute bill remains on the Calendar for Friday, June 19, upon second reading.

By Senator Conder for the **Children and Youth Committee:**

H.B. 352, a bill to allow access to juvenile records for research purposes, with an unfavorable report.

By Senator Speed for the **Agriculture Committee:**

H.B. 688, a bill to amend the pesticide law, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee.**

H.B. 1790 (Committee Substitute), a bill regarding the sale of hogs by teleconference, with a favorable report.

By Senator Parnell for the **Insurance Committee:**

H.B. 736, a bill to make technical corrections and clarify the powers and duties of the North Carolina Manufactured Housing Board and the Commissioner of Insurance, with a favorable report.

H.B. 844, a bill to make certain clarifying and conforming amendments to the North Carolina Self-Insurance Guaranty Act, with a favorable report, as amended.

H.B. 823, a bill to require certain information be used in determining fire insurance rates for homeowners insurance in rural fire districts, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 823** (Senate Committee Substitute), a bill to require certain information be used in determining fire insurance rates

for homeowners and farmowners insurance in rural fire districts, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Friday, June 19, for further consideration.

RE-REFERRAL

H.B. 1095, a bill to make technical corrections in the child support laws.

On motion of Senator Conder, by unanimous consent, the rules are suspended and the bill is taken from the **Children and Youth Committee** and re-referred to the **Judiciary I Committee.**

CONFERENCE REPORT

H.B. 77

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 77,** a bill to provide an alternate procedure for cancellation of a deed of trust, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H.B. 77,** (third edition), A BILL TO PROVIDE AN ALTERNATE PROCEDURE FOR CANCELLATION OF A DEED OF TRUST, wish to report as follows:

The House concurs in the Senate Committee Substitute and the House and the Senate agree to the following amendments:

on page 1, line 7, by deleting the phrase ", mortgage";

on page 1, line 15, by deleting the phrase "mortgage," and by deleting the comma after the word "trust";

on page 2, line 1, by deleting the phrase ", mortgage";

on page 2, line 2, by deleting the phrase ",mortgage,";

on page 2, line 6, by deleting the word and parenthesis "(mortgage)";

on page 2, line 8, by deleting the word "grantee" and substituting the word "trustee";

on page 2, line 20, by deleting the word and parenthesis "(mortgage)";

on page 2, line 33, by deleting the word "adjudged" and substituting the word "certified";

and on page 3, line 2, by capitalizing the words "register" and "deeds" and by adding a period following the quotation marks.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 15th day of June, 1987.

s/R.C. Soles
s/Daniel Reid Simpson
s/Dennis Jay Winner
Conferees on the part of the Senate

s/Alexander M. Hall
s/Roy A. Cooper III
s/Harry E. Payne, Jr.
Conferees on the part of the House of Representatives

On motion of Senator Soles, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 94 (Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund.
Referred to **Environment Committee.**

H.B. 421, a bill to revise maximum fees authorized for the North Carolina Board of Dental Examiners.
Referred to **Finance Committee.**

S.B. 471 (House Committee Substitute), a bill to limit the liability of landowners to persons using their land in connection with the Trails System, for concurrence in the House Committee Substitute bill.
Referred to **Judiciary I Committee.**

S.B. 768, a bill to provide for policies of windstorm and hail insurance to be available through the Beach Plan, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 18.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

H.J.R. 2153

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **H.J.R. 2153**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges, with Amendment No. 1 pending.
Amendment No. 1 is adopted (electronically recorded).
The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 864, a bill allowing the Pitt County Board of Elections to cross township lines in drawing precinct lines.
The bill passes its second and third readings and is ordered enrolled.

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum, for concurrence in House Amendment No. 1, held to be material, upon second reading.
The Chair declares receipt of the message from the House of Representatives on June 16, constitutes first reading.
On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 upon second reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson,

Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, upon third reading.

Senator Plyler offers Amendment No. 1 held to be material, which is adopted (electronically recorded), constituting the first reading of the bill, as amended, and the bill remains on the Calendar for tomorrow, for further consideration, upon second reading.

H.B. 398, a bill to amend the bedding law, as amended, upon third reading.

Senator Block offers Amendment No. 2 which he subsequently withdraws.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Daniel, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 780 (Committee Substitute), a bill to amend the law regulating the practice of funeral service, upon second reading.

Without objection, Senator Harris is excused from voting.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Daniel, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds, upon second reading.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: Senator Somers--1.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 139, a bill to provide that in preparation of the general election ballot, the State Board of Elections may not divide the Appellate Division into more than one ballot, and may not divide the Superior Court into more than one ballot.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 179 (Committee Substitute), a bill to require political advertising to be labeled accurately.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Hipps, the Committee Substitute bill, as amended, is rereferred to the **Judiciary I Committee**.

H.B. 192, a bill to adopt the Uniform Premarital Agreement Act.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

Senator Johnson of Wake offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Simpson to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 226 (Committee Substitute), a bill to prohibit interference with civil rights.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

Senator Cobb offers Amendment No. 2 which is adopted (electronically recorded).

Senator Marvin offers Amendment No. 3.

On motion of Senator Johnson of Wake, the Committee Substitute bill, as amended, with Amendment No. 3 pending, is recommitted to the **Judiciary I Committee**.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, June 23.

H.B. 495, a bill to clarify when seventeen year olds can register to vote for the party primary election.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 549, a bill to provide for continued compliance with the federal Voting Accessibility for the Elderly and Handicapped Act.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

Senator Kaplan offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 559 (Committee Substitute), a bill to allow unaffiliated voters to vote in the primary election of the party which authorizes that voter to vote, so as to comply with a decision of the Supreme Court of the United States.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 638 (Committee Substitute), a bill to prohibit interference with or obstruction of child protective services investigations.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 858, a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting.

On motion of Senator Kaplan, the bill is recommitted to the **Election Laws Committee.**

H.B. 879, a bill to amend procedures for scheduling controlled substances.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1025, a bill relating to the power of cities and counties to control rents.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1040 (Committee Substitute), a bill to allow military absentee voters to apply for absentee ballots for all the elections in a calendar year.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1070, a bill to require the prompt return of ballot boxes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1088 (Committee Substitute), a bill to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions.

On motion of Senator Kaplan, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 1170, a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued, as amended, upon third reading, with Amendment No. 3 pending.

Without objection, Senator Sands withdraws Amendment No. 3.

Senator Winner offers Amendment No. 4 which is adopted (electronically recorded), changing the title upon concurrence to read, **H.B. 1170,** a bill to provide that consent for the adoption of a child is void under certain circumstances and to clarify that no consent is revocable after an interlocutory decree has been issued.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2 and No. 4.

H.B. 1182 (Senate Committee Substitute No. 2), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt, upon third reading.

On motion of Senator Winner, consideration of the Senate Committee Substitute bill No. 2 is postponed until Thursday, June 18 (electronically recorded).

S.B. 402, a bill to authorize the Department of Transportation to negotiate contracts with utility companies, for concurrence in House Amendment No. 1.

On motion of Senator Basnight, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 495 (Committee Substitute), a bill to amend the law regarding assistance dogs for the handicapped, for concurrence in House Amendment No. 1.

On motion of Senator Plyler, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 668
(Senate Committee Substitute)

House of Representatives
June 17, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 668** (Senate Committee Substitute), A BILL TO REWRITE THE CHARTER OF THE TOWN OF CARRBORO, and requests conferees. The Speaker has appointed Representatives Hackney, Barnes, and Michaux on part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Walker moves that the President appoint conferees, which motion prevails. The President appoints Senators Walker, Hunt of Moore, and Royall as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-THIRD DAY

SENATE CHAMBER,
Thursday, June 18, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend D.E. Parkerson, Minister of First Baptist Church, Sanford, as follows:

"God of Abraham, Isaac, Jacob and Joseph, and the Father of our Lord and Saviour, Jesus Christ, it is with conviction and sincerity that we bow in prayer at the beginning of this Senate Session to acknowledge Your divine sovereignty in the universe and Your Lordship over our lives.

"We praise Your Holy Name for the divinely-given privilege of living and laboring in what we believe to be the greatest State in the Nation on earth. Visit this day, therefore , with Your presence, Our Father, and direct by Your Divine Spirit, the members of this legislative body. Grant them wisdom as they seek to serve the twin causes of justice and mercy through the codification of laws.

"From the stirrings of self-will within their hearts; from cowardly avoidance of necessary duty; from bitterness of spirit that would eliminate cohesive unity; from jealousy of those whose positions are higher or more powerful; from corrupting pride which

elevates oneself at the expense of others; from undisciplined thought; from unwillingness to learn and unreadiness to serve, O God, set these Senators and our Lieutenant Governor free.

"Grant to each Member of this Body a fuller understanding of spiritual things and a closer walk with You that he or she may interpret aright the difficult times in which we live. And may each have a growing awareness that true and lasting greatness always comes through serving others.

"In the name of Him who taught us by word and by personal example the value of serving others, even Jesus Christ our Lord, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston for the **Transportation Committee:**

H.B. 1273, a bill to provide permanent registration plates for disaster relief motor vehicles, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Finance Committee.**

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

H.B. 164, a bill to prohibit the investment of retirement and University trust funds in certain companies involved with South Africa, with a favorable report.

S.B. 1298, a bill to provide State and local government law enforcement officers retired prior to August, 1981, with additional post-retirement increases to supplement any other such increases for retired employees and their beneficiaries provided by the General Assembly beginning July 1, 1987, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Soles for the **Judiciary IV Committee:**

H.B. 876, a bill to vest title to abandoned railroad easements in adjoining property owners, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

Senator Soles offers Amendment No. 1.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Walker, "ownership of land adjoining";

Senator Rand, "conflict of interest involving a law suit."

Amendment No. 1 is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and without objection, on motion of Senator Block is

ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill without engrossment of Amendment No. 1.

By Senator Hardison for the Commerce Committee:

S.B. 743 (Committee Substitute), a bill to extend temporarily the authority of consumer finance licensees' affiliates to make home loans in the same office as the licensee, with a favorable report as to concurrence.

S.B. 822, a bill to permit the provision of shared use and resale of telephone services, with a favorable report as to concurrence.

H.B. 699 (Committee Substitute), a bill to amend G.S. 24-10.1 dealing with late fees, with a favorable report.

H.B. 791 (Committee Substitute), a bill to amend the Electric and Telephone Membership Corporations Act to enlarge the vote of members required to authorize a telephone membership corporation or an electric membership corporation to sell, mortgage, lease or otherwise encumber or dispose of its property, with a favorable report.

H.B. 1258, a bill relating to the authority of banks to make loans to executive officers, with a favorable report.

H.B. 1293 (Committee Substitute), a bill to require that checks on all new checking accounts at banks indicate the month and year in which the account was opened, with a favorable report.

H.B. 747, a bill to require a water or sewer utility company to post a bond, with a favorable report, as amended.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 17, 1987

H.B. 77

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 77**, a bill to provide an alternate procedure for cancellation of a deed of trust, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 130 (House Committee Substitute), a bill to amend the City of Raleigh facility fee enabling legislation, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow.
Referred to **Finance Committee**.

S.B. 230 (Committee Substitute No. 2), a bill to make clarifying changes in the permitting requirements for meat markets and food and lodging facilities, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

S.B. 464 (Committee Substitute), a bill to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the local government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance, for concurrence in House Amendment No. 2 which is placed on the Calendar for tomorrow.

S.B. 510, a bill to transfer responsibility for licensing and supervision of proprietary schools from the State Board of Education to the State Board of Community Colleges, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

S.B. 545 (Committee Substitute), a bill to permit ABC permits to be issued in certain unincorporated areas of the State, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow.

S.B. 629, a bill to provide that the Counties of Alexander, Catawba, Iredell, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map, for concurrence in House Amendment No. 1, held to be material, and changing the title upon concurrence to read, a bill to provide that the Counties of Alexander, Catawba, Iredell, Johnston, Randolph, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map. Receipt of the message constitutes the first reading of the bill. The bill is placed on the Calendar for tomorrow, upon second reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 818, a bill to extend the corporate limits of the Town of Hillsborough, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Walker, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 419, a bill to incorporate Grandfather Village, subject to a referendum, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Kincaid, the Senate concurs in the House Amendment No. 1 upon third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 780 (Committee Substitute), a bill to amend the law regulating the practice of funeral service, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds, as amended, upon third reading.

On motion of Senator Seymour, consideration of the bill, as amended, is postponed until Tuesday, June 23.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, as amended, upon second reading.

Senator Kaplan offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails.

Without objection, Senator Plyler withdraws, corrects, and resubmits Amendment No. 1, held to be material, which is adopted (electronically recorded) constituting the first reading of the bill, as amended. The bill, as amended, remains on the Calendar for tomorrow, upon second reading.

H.B. 425 (Committee Substitute), a bill to provide that nonresidents who fish outside North Carolina waters may obtain a vessel license during any month thereby allowing them to land and sell fish in North Carolina, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 586, a bill to amend the North Carolina Cemetery Act to enhance administration and protection of the public, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 844, a bill to make certain clarifying and conforming amendments to the North Carolina Self-Insurance Guaranty Act, upon second reading.

On motion of Senator Staton, consideration of the bill is postponed until tomorrow, June 19.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act, with a favorable report.

H.B. 960 (Committee Substitute), a bill to prohibit the misuse of confidential information by public officers and employees, with a favorable report.

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, with a favorable report.

H.B. 954 (Committee Substitute), a bill to rewrite the laws relating to incompetence and guardianship, with an unfavorable report as to Committee Substitute bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 22.

RECONSIDERATION

H.B. 1170, a bill to provide that consent for the adoption of a child is void under certain circumstances and to clarify that no consent is revocable after an interlocutory decree has been issued, as amended.

Senator Rand offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Rand offers a motion that the vote by which Amendment No. 4 was adopted be reconsidered, which motion prevails.

Without objection, Senator Winner withdraws Amendment No. 4.

On motion of Senator Rand, the bill, as amended, is placed on the Calendar for Wednesday, June 24, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 782, an act to increase the allowable axle weights for certain vehicles. (Ch. 392)

S.B. 402, an act to authorize the Department of Transportation to negotiate contracts with utility companies. (Ch. 400)

S.B. 495 (Committee Substitute), an act to amend the law regarding assistance dogs for the handicapped. (Ch. 401)

S.B. 612, an act to repeal the laws relating to trademarks of mineral waters and beverages. (Ch. 402)

S.B. 618, an act to amend the Charter of the City of Sanford. (Ch. 403)

S.B. 689, an act to allow the Supreme Court to designate a commercial publication as the Official Reports of the Appellate Division, or allow a contract for publication of those reports. (Ch. 404)

H.B. 77, an act to provide an alternate procedure for cancellation of a deed of trust. (Ch. 405)

H.B. 310, an act to permit local boards of education to give notice of a decision on pupil reassignment by registered or certified mail. (Ch. 406)

H.B. 498, an act to amend the definition of human service transportation. (Ch. 407)

H.B. 559 (Committee Substitute), an act to allow unaffiliated voters to vote in the primary election of the party which authorizes that voter to vote, so as to comply with a decision of the Supreme Court of the United States. (Ch. 408)

H.B. 638 (Committee Substitute), an act to prohibit interference with or obstruction of child protective services investigations. (Ch. 409)

H.B. 695 (Committee Substitute), an act to amend the statute requiring the destruction of hypodermic needles. (Ch. 410)

H.B. 864, an act allowing the Pitt County Board of Elections to cross township lines in drawing precinct lines. (Ch. 411)

H.B. 878 (Committee Substitute), an act to make changes in the scheduling of certain controlled substances. (Ch. 412)

H.B. 879, an act to amend procedures for scheduling controlled substances. (Ch. 413)

H.B. 1011, an act to replace the public school central payroll with a uniform education reporting system. (Ch. 414)

H.B. 1040 (Committee Substitute), an act to allow military absentee voters to apply for absentee ballots for all the elections in a calendar year. (Ch. 415)

H.B. 1070, an act to require the prompt return of ballot boxes. (Ch. 416)

H.J.R. 2153, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges. (Res. 30)

CALENDAR (Continued)

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

Senator Harris offers Amendment No. 2. Senator Parnell, seconded by Senator Harrington, offers a motion that the bill, as amended, and Amendment No. 2 do lie upon the table, which motion fails to prevail (electronically recorded). The question reverts to the adoption of Amendment No. 2.

Senator Royall, seconded by Senator Rand, offers a motion that Amendment No. 2 do lie upon the table which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

Senator Seymour calls the previous question, seconded by Senator Kaplan. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Parnell to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 285 (Committee Substitute), a bill to require hospitals to establish protocols for organ procurement.

Senator Marvin offers Amendment No. 1 which is adopted (electronically recorded).

Senator Barker offers Amendment No. 2.

Senator Taft offers a motion that the Committee Substitute bill, as amended, with Amendment No. 2 pending, be re-referred to the **Judiciary I Committee.**

Senator Rauch offers a substitute motion that the Committee Substitute bill, as amended, with Amendment No. 2 pending, be recommitted to the **Human Resources Committee**, which motion prevails.

The Chair orders the Committee Substitute bill taken from the Calendar and recommitted to the **Human Resources Committee.**

H.B. 319 (Committee Substitute), a bill to encourage the marking of oyster and clam bottom areas.

On motion of Senator Tally, Committee Amendment No. 1, recommended by the **Natural and Economic and Wildlife Resources Committee**, is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives of concurrence in Senate Amendment No. 1.

ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES

Pursuant to Resolution 30, Senator Conder submits the Report of the **Senate Select Committee on Board of Community Colleges** as follows:

Pursuant to G.S. 115D-2.1(b)(4)f., the Senate Select Committee on Board of Community Colleges met June 16, 1987 and a majority of the members being present submits the following slate of nominees to be considered for election by the Senate on June 18, 1987:

Mr. Edward J. High, Charlotte, North Carolina
Mr. J. P. Taylor, Hamlet, North Carolina

The one nominee elected by the Senate will serve a term of six years, beginning July 1, 1987, and expiring June 30, 1993.

The Chair announces the Senate shall proceed to vote as follows:

Those members favoring the first candidate shall cast an "aye" vote, which shall be recorded electronically, and those members favoring the second candidate shall then cast an "aye" vote which shall be recorded electronically. The nominee receiving a majority of the votes cast shall be confirmed by a voice vote of the Senate to the State Board of Community Colleges.

On the nomination of Mr. Edward J. High, voting "aye" are: Senators Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

On the nomination of Mr. J. P. Taylor, voting "aye" is: Senator Royall--1.

The Chair declares Mr. Edward J. High the nominee, and he is duly elected by a voice vote of the Senate.

The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Judiciary III Committee:**

H.B. 671, a bill to authorize company police officers to charge for infractions, with a favorable report.

H.B. 761 (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions, with a favorable report, as amended.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 18, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 115D-2.1(b)(4)f, the House of Representatives has elected Dr. Clarence Lorenzo Shoffner of Weldon to serve on the Board of Community colleges for a six year term, beginning July 1, 1987.

Respectfully,
S/Grace Collins
Principal Clerk

CALENDAR (Continued)

H.B. 628, a bill to require that headlights be illuminated in the fog.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

On motion of Senator Winner, further consideration of the bill, as amended, is postponed until Monday, June 22.

H.B. 714, a bill to provide a procedure for the withdrawal of a right-of-way dedicated for a future street.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 736, a bill to make technical corrections and clarify the powers and duties of the North Carolina Manufactured Housing Board and the Commissioner of Insurance.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.J.R. 843 (Committee Substitute), a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the 50th Anniversary of the Brown Creek Soil and Water Conservation District.

The Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 956, a bill to enable members of the Association for Retarded Citizens of North Carolina's Lifeguardianship Council to claim otherwise unclaimed bodies for burial or other humane and caring disposition.

Without objection, Senator Harris is excused from voting for the stated reason: "I am a funeral director."

On motion of Senator Martin of Guilford, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1219 (Committee Substitute), a bill to permit nonprofit organizations and political organizations to obtain permits for the sale of mixed beverages.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1272 (Committee Substitute), a bill to clarify the law regarding sanitary sewage system law and chemical toilets.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.J.R. 1294, a joint resolution honoring the life and memory of Howard Holly.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1790 (Committee Substitute), a bill regarding the sale of hogs by teleconference.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 192, a bill to adopt the Uniform Premarital Agreement Act, as amended, upon third reading.

Senator Winner offers Amendment No. 4 which is adopted (electronically recorded).

Senator Johnson of Cabarrus offers Amendment No. 5.

Senator Soles, seconded by Senator Kaplan, offers a motion that Amendment No. 5 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 5 do lie upon the table.

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3 and No. 4.

H.B. 1182 (Senate Committee Substitute No. 2), a bill to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt, upon third reading.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill No. 2 passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives of concurrence in the Senate Committee Substitute bill No. 2.

S.B. 768, a bill to provide for policies of windstorm and hail insurance to be available through the Beach Plan, for concurrence in House Amendment No. 1.

On motion of Senator Block, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 868 (House Committee Substitute), a bill to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

H.B. 668
(Senate Committee Substitute)

Senator Walker for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 668** (Senate Committee Substitute), a bill to rewrite the Charter of the Town of Carrboro, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H.B. 668** (Senate Committee Substitute), A BILL TO REWRITE THE CHARTER OF THE TOWN OF CARRBORO, wish to report as follows:

The House concurs in the Senate Committee Substitute with amendments as follows:

(1) on page 2 line 11 insert an open parentheses before the word "i.e.," and on page 2 line 12 insert a close parnetheses after the word "Mayor";

(2) on page 2 lines 13 through 15 delete "authorize or commit the expenditure of public funds, or make, ratify, or authorize or commit the expenditure of public funds, or make, ratify, or authorize" and substituting "or make, ratify, or authorize";

(3) on page 10 line 35 by adding a close parentheses after the word "bicycles";

(4) on page 2 line 24 add at the end "This subsection does not modify G.S. 159.17."

and the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 18th day of June, 1987.

S/Russell Walker	S/Joe Hackney
S/Wanda H. Hunt	S/Anne Barnes
S/Kenneth Royall	S/H. M. Michaux
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The Chair rules the Conference Report material, declares submission of the Report constitutes the first reading of the Senate Committee Substitute bill, and orders it placed on the Calendar for tomorrow, Friday, June 19, for adoption upon second reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **State Personnel Committee**:

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications, with a favorable report, as amended.

On motion of Senator Taft, the Committee Substitute bill is placed on the Calendar for Wednesday, June 24.

By Senator Warren for the **Education Committee:**

H.B. 787, a bill to require vocational teachers in division of youth services training schools to be subject to the criminal justice training and standards, with a favorable report.

On motion of Senator Warren, the bill, as amended, is placed on the Calendar for Monday, June 22.

H.B. 666, a bill to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Warren, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 22, for further consideration.

On motion of Senator Harrington, seconded by Senator Ezzell, the Senate adjourns to meet tomorrow at 10:00 A.M.

NINETY-FOURTH DAY

SENATE CHAMBER,
Friday, June 19, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend E. Powell Osteen, Jr., Minister of the Resurrection United Methodist Church, Durham, as follows:

"Almighty and Most Merciful God, keep us ever mindful of where we see Your face: in works of compassion, mercy, peace, justice, service. Keep us mindful, too, of where you are not: in racism, sexism, militarism, and materialism. Even in the face of Your great power and mercy, we continue to raise up false gods such as economic policies, political powers, and national defenses in which we trust rather than trust in Your truth and way. Forgive us our idolatry.

"O Lord, bless these leaders who have been chosen by the people of our great State. Empower them with wisdom and with grace. Open the eyes of their hearts that they may indeed serve not just the rich and powerful, but also the poor and powerless, the homeless, the aged, the unemployed, the handicapped. Keep ever before them Your way of servant leadership.

"Bless these women and men gathered here. Keep them in Your care as they work here and as they travel home to be with families and friends. Grant them all Your Divine Spirit that all they do, in word and deed, may be done to Your glory. In the Name of the one True God, Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Cobb and Smith, who are attending a meeting of the Southern Regional Education Board in Atlanta, and to Senator Marvin, who is addressing the County Health Directors Conference.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 137, a bill to provide that an auction is not an "off-premises sale", for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read, **S.B. 137** (House Committee Substitute), a bill to provide that an auction is not an "off-premises sale", and to make other amendment to the cancellation law.

Referred to **Judiciary II Committee.**

S.B. 237, a bill to make Statewide an act applicable to 32 counties and the municipalities located within those counties, authorizing counties and cities to regulate abandoned junked vehicles for aesthetic purposes, for concurrence in the House Committee Substitute bill, which changes the title to read, **S.B. 237** (House Committee Substitute), a bill to authorize certain counties and cities to regulate abandoned and junked vehicles for aesthetic purposes.

The House Committee Substitute bill is placed on the Calendar for Monday, June 22.

S.B. 638, a bill to exempt Iredell County and other counties and incorporated municipalities located therein from certain zoning notice requirements, for concurrence in House Amendments No. 1, No. 2, and No. 3, which is placed on the Calendar for Monday, June 22.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 668 (Senate Committee Substitute), a bill to rewrite the Charter of the Town of Carrboro, Conference Report submitted yesterday, June 18, for adoption, upon second reading.

Without objection, on motion of Senator Hunt of Moore, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 23.

H.B. 818, a bill to extend the corporate limits of the Town of Hillsborough, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Speed, Staton, Swain, Tally, Ward, and Winner--29.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 629, a bill to provide that the Counties of Alexander, Catawba, Iredell, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Allran, the Senate concurs in House Amendment No. 1, upon second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 22, for further consideration upon third reading.

H.B. 425 (Committee Substitute), a bill to provide that nonresidents who fish outside North Carolina waters may obtain a vessel license during any month thereby allowing them to land and sell fish in North Carolina, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Speed, Staton, Swain, Tally, Ward, and Winner--29.

Voting in the negative: None.

The Committee Substitute bill, as amended, sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 586, a bill to amend the North Carolina Cemetery Act to enhance administration and protection of the public, as amended, upon third reading.

Without objection, Senator Harris is excused from voting.

The bill, as amended, passes its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Speed, Staton, Swain, Tally, Ward, and Winner--30.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 820 (Committee Substitute), a bill authorizing the state and local governmental units and all agencies and instrumentalities of either to issue capital appreciation revenue, special obligation and general obligation bonds, the proceeds of which may be used by the purchaser for higher education and other needs, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Speed, Tally, Walker, Ward, Warren, and Winner--33.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 22, for further consideration upon third reading.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--34.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, June 22, for further consideration upon third reading.

H.B. 699 (Committee Substitute), a bill to amend G.S. 24-10.1 dealing with late fees, upon second reading.

The Chair declares the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second reading (electronically recorded) and third reading (electronically recorded).

The Committee Substitute bill is ordered enrolled.

H.B. 747, a bill to require a water or sewer utility company to post a bond, upon second reading.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, June 22, for further consideration upon third reading.

H.B. 844, a bill to make certain clarifying and conforming amendments to the North Carolina Self-Insurance Guaranty Act, upon second reading.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner--38.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, June 22, for further consideration upon third reading.

S.B. 752 (Committee Substitute), a bill to provide that foreign sales corporations shall be exempt from state income tax to the same extent as they are exempt from federal income tax.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act.

Senator Rand, Chairman of the **Base Budget Committee**, requests a fiscal note. The Chair places the Committee Substitute bill on the Calendar for Tuesday, June 23, for receipt of a fiscal note.

H.B. 164, a bill to prohibit the investment of retirement and University trust funds in certain companies involved with South Africa.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 671, a bill to authorize company police officers to charge for infractions.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for Monday, June 22, for further consideration.

H.B. 791 (Committee Substitute), a bill to amend the Electric and Telephone Membership Corporations Act to enlarge the vote of members required to authorize a telephone membership corporation or an electric membership corporation to sell, mortgage, lease or otherwise encumber or dispose of its property.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 823 (Senate Committee Substitute), a bill to require certain information be used in determining fire insurance rates for homeowners and farmowners insurance in rural fire districts.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 960 (Committee Substitute), a bill to prohibit the misuse of confidential information by public officers and employees.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for Monday, June 22, for further consideration.

H.B. 1046 (Senate Committee Substitute), a bill to allow the State Board of Examiners for Nursing Home Administrators to substitute consider comparable professional experience for the requirement of an internship as an administrator-in-training.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce.

The bill passes its second reading (electronically recorded).

Senator Sands objects to the third reading of the bill, and on his motion, the bill is placed on the Calendar for Tuesday, June 23, for further consideration.

H.B. 1258, a bill relating to the authority of banks to make loans to executive officers.

Without objection, Senator Conder is excused from voting for the stated reason: "Possible conflict of interest."

The bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill remains on the Calendar for Monday, June 22, for further consideration.

H.B. 1293 (Committee Substitute), a bill to require that checks on all new checking accounts at banks indicate the month and year in which the account was opened.

On motion of Senator Hardison, the Committee Substitute bill is recommitted to the **Commerce Committee**.

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms, as amended, upon third reading.

On motion of Senator Seymour, consideration of the bill, as amended, is postponed until Tuesday, June 23.

H.B. 761 (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions., upon third reading

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 230 (Committee Substitute No. 2), a bill to make clarifying changes in the permitting requirements for meat markets and food and lodging facilities, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill No. 2 is ordered enrolled.

S.B. 464 (Committee Substitute), a bill to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the local government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance, for concurrence in House Amendment No. 2.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 2 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S.B. 510, a bill to transfer responsibility for licensing and supervision of proprietary schools from the State Board of Education to the State Board of Community Colleges, for concurrence in House Amendment No. 1.

On motion of Senator Martin of Guilford, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 545 (Committee Substitute), a bill to permit ABC permits to be issued in certain unincorporated areas of the State, for concurrence in House Amendments No. 1 and No. 2.

Senator Goldston offers a motion to the end that consideration of the Committee Substitute bill be postponed until Monday, June 22, which motion he subsequently withdraws.

On motion of Senator Goldston, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S.B. 743 (Committee Substitute), a bill to extend temporarily the authority of consumer finance licensees' affiliates to make home loans in the same office as the licensee, for concurrence in House Amendment No. 1.

On motion of Senator Guy, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S.B. 822 (House Committee Substitute), a bill to permit the provision of shared use and resale of telephone services, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 328, a bill to expand the authority of cities and housing authorities to provide housing for persons of low and moderate income, with a favorable report.

H.B. 623, a bill to allow Craven County to employ attachment or garnishment for ambulance services, with a favorable report.

H.B. 634, a bill to annex a certain area to the Town of Castalia, with a favorable report.

H.B. 650 (Committee Substitute), a bill to authorize the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution system prior to construction or completion of such a system, subject to a referendum, with a favorable report.

H.B. 672, a bill to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries, with a favorable report.

H.B. 1017, a bill to increase the penalty for unauthorized removal of forest products from game lands, with a favorable report.

WITHDRAWAL FROM CALENDAR

H.B. 668 (Senate Committee Substitute), a bill to rewrite the Charter of the Town of Carrboro, Conference Report, for adoption, upon second reading.

Without objection, on motion of Senator Hunt of Moore, the Conference Report is taken from the Calendar for Tuesday, June 23, and is placed before the Senate for immediate consideration.

On motion of Senator Hunt of Moore, the Conference Report submitted Thursday, June 18, is adopted upon second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--37.

Voting in the negative: None.

The Chair orders the Conference Report placed on the Calendar for Monday, June 22, for adoption, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 341, an act to remove the sunset and permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways. (Ch. 417)

S.B. 399, an act to allow the County of Durham to adopt and comply with minimum minority and/or women's business enterprise requirements. (Ch. 418)

S.B. 419, an act to incorporate Grandfather Village, subject to a referendum. (Ch. 419)

S.B. 613, an act to exempt Buncombe County from certain procedural requirements on disposal of land as an industrial park. (Ch. 420)

S.B. 768, an act to provide for policies of windstorm and hail insurance to be available through the Beach Plan. (Ch. 421)

S.B. 868 (House Committee Substitute), an act to allow counties to develop a single portal of entry, a consolidated case management system, and a common data base for human services. (Ch. 422)

H.B. 454, an act concerning the powers of housing authorities. (Ch. 423)

H.B. 610, an act to authorize Pamlico County to dispose of property by private sale for fair market value. (Ch. 424)

H.B. 641 (Committee Substitute), an act to redefine the newspapers eligible to accept legal advertising in the Towns of Mint Hill, and Matthews. (Ch. 425)

H.B. 644, an act to reduce the number of publications required for Charlotte street closing hearings. (Ch. 426)

H.B. 704, an act to clarify the authority of the officers of the police department of the Eastern Band of the Cherokee. (Ch. 427)

H.B. 714, an act to provide a procedure for the withdrawal of a right-of-way dedicated for a future street. (Ch. 428)

H.B. 736, an act to make technical corrections and clarify the powers and duties of the North Carolina Manufactured Housing Board and the Commissioner of Insurance. (Ch. 429)

H.B. 780 (Committee Substitute), an act to amend the law regulating the practice of funeral service. (Ch. 430)

H.B. 863 (Committee Substitute), an act providing for the election of the Pitt County Board of Commissioners. (Ch. 432)

H.B. 876, an act to vest title to abandoned railroad easements in adjoining property owners. (Ch. 433)

H.B. 1219 (Committee Substitute), an act to permit nonprofit organizations and political organizations to obtain permits for the sale of mixed beverages. (Ch. 434)

H.B. 1272 (Committee Substitute), an act to clarify the law regarding sanitary sewage system law and chemical toilets. (Ch. 435)

H.B. 1790 (Committee Substitute), an act regarding the sale of hogs by teleconference. (Ch. 436)

H.J.R. 843 (Committee Substitute), a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the 50th Anniversary of the Brown Creek Soil and Water Conservation District. (Res. 31)

H.J.R. 1294 a joint resolution honoring the life and memory of Howard Holly. (Res. 32)

On motion of Senator Harrington, seconded by Senator Taft, the Senate adjourns to meet Monday at 8:00 P.M.

NINETY-FIFTH DAY

SENATE CHAMBER,
Monday, June 22, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael W. Safley, the Vice-President for Student Life, Methodist College, Fayetteville, as follows:

"O Lord, make us realize that no matter our circumstance that this is the day that You have made. Help us to rejoice and be glad in it.

"The long hot summer is upon us and numerous responsibilities still confront us. We each make our long list of things that need to be accomplished and become frustrated. The lists are endless and the concerns of the citizens of our State are countless. Lord, we ask for Your patience and guidance as we work swiftly and judiciously to accomplish these tasks.

"Lord, help us to realize that making the right decision is a complicated process. Lord, make sure we do not jump to conclusions, or make hasty decisions. Instead, guide us into carefully analyzing all aspects of an issue before we attempt to decide what would be the best decision possible.

"Lord, in our deliberations enable us to be ever mindful of the principles upon which our country was founded. Please give us the insight and strength to put aside our selfish concerns and work diligently for liberty and justice for all.

"Yes, Lord we do not want to be selfish, but help us to realize that we must take care of ourselves. Force us to take time for ourselves and our families for we cannot make wise decisions if we are exhausted and have ignored our loved ones.

"Thanks be to God for each of the servants gathered here and their commitment of seeing that every citizen receives all the services entitled them by the State government. In the Name of the One who brings love, justice, and peace to our lives. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 114 (Committee Substitute), an act to specify an additional requirement applicable to the permitting of any commercial hazardous waste treatment facility for the purpose of protecting public health. (Ch. 437)

S.B. 230 (Committee Substitute No. 2), an act to make clarifying changes in the permitting requirements for meat markets and food and lodging facilities. (Ch. 438)

S.B. 30, an act to allow the Legislative Ethics Committee to choose more than one method of disposing of a matter after its inquiry into alleged violations. (Ch. 439)

S.B. 45, an act to facilitate the exchange of information by the Department of Revenue and local tax officials. (Ch. 440)

S.B. 464 (Committee Substitute), an act to make corrections to and improvements in laws dealing with commercial property and liability insurance; and to amend the local government Risk Pool Act to provide for comprehensive financial monitoring of pools by the Commissioner of Insurance. (Ch. 441)

S.B. 510, an act to transfer responsibility for licensing and supervision of proprietary schools from the State Board of Education to the State Board of Community Colleges. (Ch. 442)

S.B. 545 (Committee Substitute), an act to permit ABC permits to be issued in certain unincorporated areas of the State. (Ch. 443)

S.B. 743 (Committee Substitute), an act to extend temporarily the authority of consumer finance licensees' affiliates to make home loans in the same office as the licensee. (Ch. 444)

S.B. 822 (House Committee Substitute), an act to permit the provision of shared use and resale of telephone services. (Ch. 445)

H.B. 164, an act to prohibit the investment of retirement and University trust funds in certain companies involved with South Africa. (Ch. 446)

H.B. 699 (Committee Substitute), a bill to amend G.S. 24-10.1 dealing with late fees. (Ch. 447)

H.B. 791 (Committee Substitute), an act to amend the Electric and Telephone Membership Corporations Act to enlarge the vote of members required to authorize a telephone membership corporation or an electric membership corporation to sell, mortgage, lease or otherwise encumber or dispose of its property. (Ch. 448)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 27, a bill to repeal the charter of the Danieltown Volunteer Fire Department, Inc., for concurrence in House Amendment No. 1.

On motion of Senator Marvin, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax, for concurrence in House Amendment No. 1, held to be material. Receipt of the message constitutes the first reading of the bill, and the bill is placed on the Calendar for tomorrow, upon second reading.

S.B. 740 (Committee Substitute), a bill to provide that when a city or county or a local board of education appeals a judgment, staying the enforcement of the judgment, the city or the county the local board of education shall not be required to post a bond, for concurrence in House Amendment No. 1, changing the title upon concurrence to read **S.B. 740** (Committee Substitute), a bill to provide that when a city or county or a local board of education appeals a judgment, staying the enforcement of the judgment, the city or the county or the local board of education shall not be required to post a bond. The Committee Substitute bill is placed on the Calendar for tomorrow.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2154, a joint resolution to honor the life and memory of Harry Luther Mintz, Jr.

On motion of Senator Soles, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings with members standing and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 668 (Senate Committee Substitute), a bill to rewrite the Charter of the Town of Carrboro, for adoption of the Conference Report submitted on June 18, upon third reading.

On motion of Senator Hunt of Moore, the Conference Report is adopted upon third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 629, a bill to provide that the Counties of Alexander, Catawba, Iredell, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map, upon third reading for concurrence in House Amendment No. 1.

On motion of Senator Allran, the Senate concurs in House Amendment No. 1 upon third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 237 (House Committee Substitute), a bill to authorize counties and cities to regulate abandoned and junked vehicles for aesthetic purposes, for concurrence in the House Committee Substitute bill.

On motion of Senator Hunt of Moore, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S.B. 638, a bill to exempt Iredell County and other counties and incorporated municipalities located therein from certain zoning notice requirements, for concurrence in House Amendments No. 1, No. 2 and No. 3.

On motion of Senator Bryan, the Senate concurs in House Amendments No. 1, No. 2 and No. 3 (electronically recorded) and the bill is ordered enrolled.

H.B. 623, a bill to allow Craven County to employ attachment or garnishment for ambulance services, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 634, a bill to annex a certain area to the Town of Castalia, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan,

Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 650 (Committee Substitute), a bill to authorize the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution system prior to construction or completion of such a system, subject to a referendum, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 672, a bill to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries, upon second reading.

On motion of Senator Johnson of Cabarrus, consideration of the bill is postponed until Wednesday, June 24.

S.B. 820 (Committee Substitute), a bill authorizing the state and local governmental units and all agencies and instrumentalities of either to issue capital appreciation revenue, special obligation and general obligation bonds, the proceeds of which may be used by the purchaser for higher education and other needs, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 322, a bill to permit dissolution of certain sanitary districts by the County Board of Commissioners, as amended, upon third reading.

The Chair declares the voting equipment inoperative.

The bill, as amended, passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 747, a bill to require a water or sewer utility company to post a bond, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 844, a bill to make certain clarifying and conforming amendments to the North Carolina Self-Insurance Guaranty Act, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 328 (Committee Substitute), a bill to expand the authority of cities and housing authorities to provide housing for persons of low and moderate income, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--45.

Voting in the negative: Senator Winner--1.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 954 (Senate Committee Substitute), a bill to rewrite the laws relating to incompetence and guardianship, upon second reading.

Senator Rand, Chairman of the Base Budget Committee, requests a fiscal note and the Chair places the Senate Committee Substitute bill on the Calendar for Wednesday, June 24, for receipt of a fiscal note.

H.B. 628, a bill to require that headlights be illuminated in the fog, as amended.

On motion of Senator Soles, the bill, as amended, is re-referred to the **Judiciary IV Committee.**

H.B. 666 (Senate Committee Substitute), a bill to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases.

On motion of Senator Hipps, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 23.

H.B. 787, a bill to require vocational teachers in division of youth services training schools to be subject to the criminal justice training and standards.

The bill passes its second reading (electronically recorded).

On objection of Senator Kaplan to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 1017, a bill to increase the penalty for unauthorized removal of forest products from game lands.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 671, a bill to authorize company police officers to charge for infractions, upon third reading.

On motion of Senator Barnes, consideration of the bill is postponed until tomorrow.

H.B. 960 (Committee Substitute), a bill prohibit the misuse of confidential information by public officers and employees, as amended, upon third reading.

On motion of Senator Barnes, consideration of the bill is postponed until tomorrow.

H.B. 1258, a bill relating to the authority of banks to make loans to executive officers, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

WITHDRAWAL FROM CALENDAR

H.B. 666 (Senate Committee Substitute), a bill to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases.

On motion of Senator Warren the rules are suspended and the Senate Committee Substitute bill is taken from the Calendar for tomorrow, June 23, and recommitted to the **Education Committee.**

The President recognizes the following pages serving in the Senate this week: Marlon Renard Blount, Burlington; Brian Christopher Bookman, Charlotte; Cal Bradsher, Jr., Roxboro; Dewey Powell Brinkley, Wake Forest; Eddie W. Cook, Hickory; Jeffrey B. Crumpton, Burlington; Lelia Marie Dunn, Raleigh; David Christopher Edwards, Kinston; Greg Everette, Durham; Jessica Lynn Fields, Hillsborough; Amy Melia Griffith, Concord; Frankie Harper, Snow Hill; Judith Harrington, Greenville; Robert Joseph Harrington, Greenville; John Hipps, Waynesville; Emily Jenkins, Durham; Tina Jones, Princeton; Scott Marsigli, Rocky Mount; Lee Ann Masters, Kings Mountain; Shelli R. McInnis, Zebulon; William Kevin McLaughlin, Washington; Hunter Peterson, Winston-Salem; Meredith Pruitt, Raleigh; Christiel Ann Rhem, Raleigh; Gregory Parks Robinson, Winston-Salem; Helen Christie Sanders, Mount Airy; Mead Slagle, Buxton; Kristin Allison Snow, Greenville; Russell Atkinson Swindell II, Oxford; Joel Brynn Thomas, Vanceboro; Chandra Tudor, Raleigh.

On motion of Senator Harrington, seconded by Senator Sherron, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-SIXTH DAY

SENATE CHAMBER,
Tuesday, June 23, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael H. Jamison, Minister of College Park Baptist Church, Greensboro, as follows:

"Holy God, Thou Who hast created the heavens and the earth, we thank You for the beauty of creation and the hope of its redemption. We thank You that You have given us places of responsibility in the complex affairs of human life.

"Help us to be good stewards of Your great gifts to us. Grant that we shall be faithful and honor bound as we fulfill our many tasks.

"We thank You for the men and women of this governing body. Bless them and all others who serve You as elected, governing officials.

"Give us a clearer vision so that we may look above and beyond the horizons of our own sight and see the depth and wonder of Your vision for this world and its peoples. We confess that when we see truth and beauty it is not always clearly that we see.

"So touch our eyes that we may truly see each other. Touch our ears that we may clearly hear one another. Grant us wisdom, grant us courage that we fail not man nor Thee. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

S.B. 1519, a bill to provide that service for district court judges' longevity credit includes service as assistant district attorney.

Without objection, on motion of Senator Soles, the bill is taken from the **Judiciary IV Committee** and re-referred to the **Pensions and Retirement Committee.**

H.B. 1064 (Committee Substitute), a bill to provide for early termination of residential rental agreements by military personnel in certain circumstances, with a favorable report.

H.B. 1198, a bill to eliminate the requirement that a notice of sale describe improvements on the property, with a favorable report.

H.B. 537 (Committee Substitute), a bill to require tax information on deeds before they may be recorded in Mitchell County, with a favorable report, as amended.

H.B. 936, a bill to provide a procedure for annexation of municipal property, with a favorable report, as amended.

H.B. 1099, a bill to assure necessary cooperation from appropriate parties in the verification of disposable income for child support withholding purposes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1099** (Senate Committee Substitute), a bill to assure cooperation from appropriate parties in the verification of disposable income for child support withholding purposes and to make other changes in the

income withholding statutes, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 25, for further consideration.

H.B. 1126 (Committee Substitute), a bill to amend Chapter 42 to clarify the charging of late fees in a residential rental agreement, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 25, for further consideration.

H.B. 1176 (Committee Substitute), a bill to amend the Employment Security Law, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 25, for further consideration.

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 152 (Committee Substitute), a bill to provide qualified immunity from civil liability in tort for volunteers of nonprofit charitable organizations, with a favorable report, as amended.

By Senator Martin of Guilford for the **Higher Education Committee**:

H.B. 1006 (Committee Substitute), a bill to convert all Community Colleges and Technical Institutes into Community Colleges, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1006** (Senate Committee Substitute), a bill to convert Community Colleges and Technical Institutes into Community Colleges, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Martin of Guilford, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 25, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 27, an act to repeal the charter of the Danieltown Volunteer Fire Department, Inc. (Ch. 431)

H.B. 1061 (Committee Substitute), an act to protect caves. (Ch. 449)

S.B. 221, an act to increase the interest rate applicable to *In Rem* property tax foreclosures and to permit a taxing unit to collect administrative costs incurred in these foreclosures. (Ch. 450)

S.B. 237 (House Committee Substitute), an act to authorize certain counties and cities to regulate abandoned and junked vehicles for aesthetic purposes. (Ch. 451)

S.B. 299, an act to provide a special migratory waterfowl hunting license and to prescribe the penalty for migratory game bird violations. (Ch. 452)

S.B. 558 (Committee Substitute), an act to permit L.P. gas dealer to use other means of financial responsibility besides insurance. (Ch. 453)

S.B. 629, an act to provide that the Counties of Alexander, Catawba, Iredell, Johnston, Randolph, and Yadkin and the municipalities therein need not mail zoning notices for a revision of the complete zoning ordinance or map. (Ch. 454)

S.B. 638, an act to exempt Iredell County and other counties and incorporated municipalities located therein from certain zoning notice requirements. (Ch. 455)

H.B. 398, an act to amend the bedding law. (Ch. 456)

H.B. 495, an act to clarify when seventeen year olds can register to vote for the party primary election. (Ch. 457)

H.B. 1025, an act relating to the power of cities and counties to control rents. (Ch. 458)

H.B. 1258, an act relating to the authority of banks to make loans to executive officers. (Ch. 459)

H.J.R. 2154, a joint resolution to honor the life and memory of Harry Luther Mintz, Jr. (Res. 33)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 263, a bill to provide authority to establish laboratory certification fees, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow.

S.B. 840, a bill to provide for increased involvement in water testing and analysis by private commercial laboratories, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow.

EXECUTIVE ORDERS

Executive Order Number 50, Amendment to Executive Order Number 43 "North Carolina Emergency Response Commission."
Referred to **State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 623, a bill to allow Craven County to employ attachment or garnishment for ambulance services, upon third reading.
The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--44.

Voting in the negative: None.
The bill is ordered enrolled.

H.B. 634, a bill to annex a certain area to the Town of Castalia, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--44.

Voting in the negative: None.
The bill is ordered enrolled.

H.B. 650 (Committee Substitute), a bill to authorize the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution system prior to construction or completion of such a system, subject to a referendum, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--44.

Voting in the negative: None.
The Committee Substitute bill is ordered enrolled.

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1, upon second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--44.

Voting in the negative: None.
The bill remains on the Calendar for tomorrow for concurrence upon third reading.

H.B. 328 (Committee Substitute), a bill to expand the authority of cities and housing authorities to provide housing for persons of low and moderate income, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.
The Committee Substitute bill is ordered enrolled.

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds, as amended, upon third reading.

On motion of Senator Tally, consideration of the bill, as amended, is postponed until tomorrow.

H.B. 1052 (Committee Substitute), a bill to amend the Certificate of Need Law, upon second reading.

The fiscal note requested June 11, is not received and Senator Rand withdraws his request.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--43.

Voting in the negative: Senators Martin of Pitt and Winner--2.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Thursday, June 25.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

On motion of Senator Kaplan, the bill is recommitted to the **Election Laws Committee**.

S.B. 582, a bill to provide a separate permit for hotels choosing to offer alcoholic beverage sales from locked cabinets in guest rooms, as amended, upon third reading.

Senator Parnell offers Amendment No. 3 which is adopted (electronically recorded).

Senator Parnell offers Amendment No. 4.

On motion of Senator Parnell, the bill, as amended, with Amendment No. 4 pending, is re-referred to the **Finance Committee**.

H.B. 671, a bill to authorize company police officers to charge for infractions, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 787, a bill to require vocational teachers in division of youth services training schools to be subject to the criminal justice training and standards, upon third reading.

On motion of Senator Kaplan, the bill is re-referred to the **Judiciary III Committee**.

H.B. 960 (Committee Substitute), a bill prohibit the misuse of confidential information by public officers and employees, as amended, upon third reading.

Senator Taft moves that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

Senator Taft moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails.

Without objection, Senator Taft withdraws Amendment No. 1.

Senator Barnes offers Amendment No. 2 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 3 which is adopted (electronically recorded).

On motion of Senator Kaplan, further consideration of the Committee Substitute bill, as amended, is postponed until Thursday, June 25.

H.B. 1017, a bill to increase the penalty for unauthorized removal of forest products from game lands, upon third reading.

On motion of Senator Barker, the bill is recommitted to the **Natural and Economic Resources and Wildlife Committee.**

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, upon third reading.

On motion of Senator Barnes, consideration of the bill is postponed until Thursday, June 25.

S.B. 740 (Committee Substitute), a bill to provide that when a city or county or a local board of education appeals a judgment, staying the enforcement of the judgment, the city or the county the local board of education shall not be required to post a bond, for concurrence in House Amendment No. 1.

On motion of Senator Daniel, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

H.B. 333 (Committee Substitute), a bill to provide an additional procedures for merger of school administrative units, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hunt of Moore, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Hunt of Moore, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 24, for further consideration.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 1146, a bill to adopt technical amendments to the Revised Uniform Limited Partnership Act, with a favorable report, as amended.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 917 (Senate Committee Substitute), an act making sundry amendments concerning local governments in Orange and Chatham Counties. (Ch. 460)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 975
(Senate Committee Substitute)

House of Representatives
June 23, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the **H.B. 975** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE NORTH CAROLINA SECURITIES ACT AND THE BUSINESS CORPORATION ACT, and requests conferees. The Speaker has appointed Representatives Miller, Hackney, and Kerr on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Block, and Rand as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Tally, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, June 24, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable J. J. Harrington, President *Pro Tempore*.

Prayer is offered by the Reverend Susan L. Pate, Hollands United Methodist Church, Raleigh, as follows:

"Almighty God, our Eternal Ruler, from Whom comes the privilege of power, and to Whom we must all account for our use of the powers entrusted us, send down upon Your servants in office here Your powerful wisdom, and charity, and justice, that with Your guidance they may steadfastly serve You and all Your people. Give them the courage to do bravely what is right, rather than to do safely what is not. Help them, as they struggle to find and establish justice and peace, to confront one another without bitterness and pettiness, and to work together with respect and forbearance, each one for the other. In Your great mercy, forge in them a spirit of mercy toward all those who live with injustice as a daily companion. Stir up in their minds the remembrance of those whom it is easy to forget; the poor and the homeless, the old and the young, the sick and those who have no one to care for them. Direct this day, those who speak where many listen, decide that by which many live, that they may, in all their actions, proclaim Your truth; help them to do their part to make the heart of this people wise, and sound, and righteous. O Lord of all, we humbly pray, that in all the issues and decisions of this session today, these Your servants may never forget You, but remember that they are always walking in Your sight, for it is in Your Name, Your Spirit, and Your Strength that we pray. Amen."

Senator Guy for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* grants leaves of absence for today to Senators Cobb, Harris, Marvin, and Staton, who are attending a North Carolina Air National Guard briefing at the Pentagon in Washington, D. C., and to Senator Royall, who is attending the announcement of a new corporate headquarters moving to Greensboro.

The Chair relinquishes the gavel to the Honorable Marshall A. Rauch, Senator from Gaston County, who presides.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 893 (Committee Substitute), a bill to authorize Johnston County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee**.

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars.
Pursuant to Rule 41(b), the Chair orders the bill held in the Principal Clerk's Office.

S.B. 94, a bill to recodify the laws relating to fraternal benefit societies and fraternal orders, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 668
(Senate Committee Substitute)

House of Representatives
June 23, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 668** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE CHARTER OF THE TOWN OF CARRBORO, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace A. Collins
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker, Vice-Chairman, for the **Human Resources Committee**:

H.B. 649, a bill to make certain amendments to the right to know act, with a favorable report.

H.B. 840 (Committee Substitute), a bill to improve programs for certifying wastewater treatment plant operators, with a favorable report.
On motion of Senator Walker, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 513, a bill to clarify the Nursing Home Bill of Rights regarding nursing home beds being available on return from the hospital, with a favorable report, as amended.

H.B. 1244 (Committee Substitute), a bill to clarify the authority of the Department of Human Resources over the Camp Butner Reservation, with a favorable report, as amended.

By Senator Kaplan for the **Election Laws Committee:**

S.B. 347 (House Committee Substitute), a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, and making conforming changes concerning absentee voting, with a favorable report, as to concurrence.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 333 (Senate Committee Substitute), a bill to provide an additional procedures for merger of school administrative units, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Tally, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 672, a bill to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries, upon second reading.

Senator Johnson of Cabarrus offers Amendment No. 1, held to be material, which is adopted (electronically recorded) constituting the first reading of the bill, as amended.

The bill, as amended, remains on the Calendar for tomorrow upon second reading.

H.B. 537 (Committee Substitute), a bill to require tax information on deeds before they may be recorded in Mitchell County.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 640, a bill to authorize Caldwell County to levy a room occupancy and tourism development tax, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1, upon third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Taft, Tally, Walker, Ward, and Warren--38.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds, as amended, upon third reading.

On motion of Senator Tally, consideration of the bill, as amended, is postponed until Thursday, June 25.

H.B. 1052 (Committee Substitute), a bill to amend the Certificate of Need Law, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Taft, Tally, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 936, a bill to provide a procedure for annexation of municipal property, upon second reading.

On motion of Senator Soles, Committee Amendment No. 1, held to be material, is adopted, constituting the first reading of the bill, as amended. The bill, as amended, remains on the Calendar for tomorrow for further consideration upon second reading.

WITHDRAWAL FROM CALENDAR

H.B. 960 (Committee Substitute), a bill to prohibit the misuse of confidential information by public officers and employees.

Without objection, on motion of Senator Kaplan, the Committee Substitute bill is taken from the Calendar for tomorrow and recommitted to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Thomas, for Senator Rauch, for the **Finance Committee**:

S.B. 758, a bill creating the North Carolina Local Government Pooled Capital Projects Financing Agency to provide financing for the acquisition, construction and installation by or on behalf of cities of capital projects, including the acquisition of equipment, and amending certain general laws, with a favorable report, as amended.

On motion of Senator Thomas, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

On motion of Senator Thomas, the bill, as amended, is placed on the Calendar for tomorrow for further consideration.

S.B. 1402, a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, with a favorable report, as amended.

On motion of Senator Thomas, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

H.B. 86 (Committee Substitute), a bill to expand the property tax exclusion for residences owned by service-connected disabled veterans to include the residences of all veterans who are rated as one hundred percent permanently unemployable, with a favorable report, as amended.

H.B. 753 (Committee Substitute), a bill to authorize Lee County to levy a room occupancy tax, with a favorable report, as amended.

S.B. 853, a bill to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Thomas, the Committee Substitute bill is placed on the Calendar for tomorrow for further consideration.

By Senator Goldston for the **Transportation Committee:**

H.B. 370, a bill to clarify the law that applies to the exemption of farm vehicles from the motor vehicle registration provisions, with a favorable report, as amended.

On motion of Senator Goldston, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is re-referred to the **Finance Committee.**

H.B. 955, a bill to regulate dark-shaded windows in motor vehicles, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 954 (Senate Committee Substitute), a bill to rewrite the laws relating to incompetence and guardianship, upon second reading.

On motion of Senator Hipps, consideration of the Senate Committee Substitute bill is postponed until Friday, June 26.

H.B. 1146, a bill to adopt technical amendments to the Revised Uniform Limited Partnership Act, upon second reading.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 152 (Committee Substitute), a bill to provide qualified immunity from civil liability in tort for volunteers of nonprofit charitable organizations.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Swain objects to the third reading of the Committee Substitute bill, which objection he subsequently withdraws.

The Committee Substitute bill, as amended, passes its third reading and without objection, on motion of Senator Barker, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications.

On motion of Senator Johnson of Wake, consideration of the Committee Substitute bill is postponed until Wednesday, July 1.

H.B. 1064 (Committee Substitute), a bill to provide for early termination of residential rental agreements by military personnel in certain circumstances.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1198, a bill to eliminate the requirement that a notice of sale describe improvements on the property.

The bill passes its second reading (electronically recorded).

On objection of Senator Sands to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 1170, a bill to provide that consent for the adoption of a child is void under certain circumstances and to clarify that no consent is revocable after an interlocutory decree has been issued, as amended, upon third reading.

On motion of Senator Winner, consideration of the bill, as amended, is postponed until Friday, June 26.

S.B. 263, a bill to provide authority to establish laboratory certification fees, for concurrence in House Amendment No. 1.

On motion of Senator Smith, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 840, a bill to provide for increased involvement in water testing and analysis by private commercial laboratories, for concurrence in House Amendment No. 1.

On motion of Senator Taft, the Senate concurs in House Amendment No. 1 (electronically recorded).

Senator Taft moves that the vote by which the Senate concurred in House Amendment No. 1 be reconsidered, which motion prevails.

On motion of Senator Taft, further consideration of the bill is postponed until Friday, June 26.

The Chair relinquishes the gavel to the Honorable J. J. Harrington, President *Pro Tempore*, who presides over the remainder of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 807 (Senate Committee Substitute), an act to authorize the Environmental Management Commission to consider the financial capability and performance history of applicants for air and water discharge permits prior to granting such permits and to amend the requirements applicable to hazardous waste facility permits. (Ch. 461)

S.B. 740 (Committee Substitute), an act to provide that when a city or county or a local board of education appeals a judgment, staying the enforcement of the judgment, the city or the county or the local board of education shall not be required to post a bond. (Ch. 462)

H.B. 319 (Committee Substitute), an act to encourage the marking of oyster and clam bottom areas. (Ch. 463)

H.B. 328 (Committee Substitute), an act to expand the authority of cities and housing authorities to provide housing for persons of low and moderate income. (Ch. 464)

H.B. 549, an act to provide for continued compliance with the federal Voting Accessibility for the Elderly and Handicapped Act. (Ch. 465)

H.B. 623, an act to allow Craven County to employ attachment or garnishment for ambulance services. (Ch. 466)

H.B. 634, an act to annex a certain area to the Town of Castalia. (Ch. 467)

H.B. 650 (Committee Substitute), an act to authorize the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution system prior to construction or completion of such a system, subject to a referendum. (Ch. 468)

H.B. 671, an act to authorize company police officers to charge for infractions. (Ch. 469)

H.B. 956, an act to enable members of the Association for Retarded Citizens of North Carolina's Lifeguardianship Council to claim otherwise unclaimed bodies for burial or other humane and caring disposition. (Ch. 470)

On motion of Senator Guy, seconded by Senator Basnight, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-EIGHTH DAY

SENATE CHAMBER,
Thursday, June 25, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. James H. Bailey, Minister of White Plains United Methodist Church, Cary, as follows:

"Thou, Who art the Great Law Giver and Law Maker, we confess that often we forget that we are a nation under God and trick ourselves into believing we are a nation above God. Enable us to get our priorities in order so that no cause, special interest, or personal concern can ever be above second place in our voting. We pray that You will always be first.

"Give each elected official in this Body divine guidance and humble submission to Your will. Never let laws, circumstances, economics come ahead of persons and human needs. Let us never lose sight of the value of each individual. As You cleansed the temple long ago, cleanse our governing bodies from deceit, personal gain or power. Turn over our desks and reorder our agenda and priorities.

"Lord, we thank You for these persons elected to make these important decisions. Help them with the burden of their office. If they do Your will, bless and prosper each of them, but if they do not do Your will, may they fail at their endeavors.

"Use these servants of Yours to improve the lives of all the citizens of this State and give them courage and comfort in handling all the tough issues.

"Bless all their families and every citizen of this State. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Durham for the **Pensions and Retirement Committee**:

H.B. 306, a bill to provide for the purchase of withdrawn service under the Teacher's and State Employees' Retirement System and the Local Governmental Employees' Retirement System after the completion of five years of creditable service, with a favorable report.

H.B. 509 (Committee Substitute), a bill to revise and rewrite Chapter 926, 1947 Session Laws, As Amended, pertaining to the Charlotte Firemen's Retirement System, with a favorable report.

H.B. 583, a bill to amend the law regarding retirement as it applies to the Wilson Economic Development Council, with a favorable report.

H.B. 584, a bill to establish Winston-Salem Firemen's Retirement Fund Association, with a favorable report.

H.B. 763, a bill to permit the Teachers' Retirement System and the Local Governmental Employees' Retirement System to obtain the addresses of members, beneficiaries and beneficiaries of deceased members from other State agencies, departments and institutions in order to notify them of benefit entitlements, with a favorable report.

H.B. 772, a bill to impose fees for withdrawing from or rejoining the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Finance Committee.**

H.B. 1246, a bill to reduce the waiting period for applications for retirement from thirty days to one day in the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System, with a favorable report.

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 354 (Committee Substitute), a bill to prohibit the abuse of patients or residents in residential health care facilities, with a favorable report.

On motion of Senator Johnson of Wake, the Committee Substitute bill is placed on the Calendar for Tuesday, June 30.

By Senator Soles for the **Judiciary IV Committee**:

H.B. 1120, a bill to authorize appellate courts to fix the value of legal services provided to indigents in appeals, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1120** (Senate Committee Substitute), a bill to authorize appellate courts to fix the value of legal services provided to

indigents in appeals by the appellate defender and to improve the procedures for the collection of judgments, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Friday, June 26, for further consideration.

By Senator Warren for the **Education Committee**:

H.B. 1102 (Committee Substitute), a bill regarding the contents of teachers' personnel files, with a favorable report, as amended.

By Senator Plyler for the **Appropriations Committee**:

H.B. 52, a bill to convert Edgecombe, Nash, and Richmond Technical Colleges to Community Colleges, with a favorable report, as amended.

H.B. 589 (Senate Committee Substitute No. 1), a bill to provide for continued compliance with the Voting Rights Act and to improve the administration of justice by providing for the elimination of staggered terms for Superior Court Judges, creating more Superior Court Judicial Districts, eliminating the Office of Special Superior Court Judge, and making conforming changes, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2, with Committee Amendment No. 1.

On motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill No. 2, with Committee Amendment No. 1, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill No. 2, with Committee Amendment No. 1 is adopted.

On motion of Senator Plyler, the Senate Committee Substitute bill No. 2, as amended, is placed on the Calendar for tomorrow for further consideration.

By Senator Swain for the **Judiciary III Committee**:

H.B. 1094, a bill pertaining to altering or changing engine and other numbers, with a favorable report.

H.B. 1138, a bill to amend the law regarding small claims actions, with a favorable report.

H.B. 1181, a bill to authorize a magistrate to order removal from a dwelling found unfit for human habitation, with a favorable report, as amended.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 263, an act to provide authority to establish laboratory certification fees. (Ch. 471)

S.B. 640, an act to authorize Caldwell County to levy a room occupancy and tourism development tax. (Ch. 472)

H.B. 192, an act to adopt the Uniform Premarital Agreement Act. (Ch. 473)

H.B. 430 (Committee Substitute), an act to apply certain motor vehicle laws on the State parks and forests road system. (Ch. 474)

H.B. 456, an act to eliminate the age restrictions for apprentice river pilots appointed by the Cape Fear River Navigation and Pilotage Commission. (Ch. 475)

H.B. 668 (Senate Committee Substitute), an act to rewrite the Charter of the Town of Carrboro. (Ch. 476)

H.B. 790 (Senate Committee Substitute), an act to amend the law pertaining to the public school calendar. (Ch. 477)

H.B. 1064 (Committee Substitute), an act to provide for early termination of residential rental agreements by military personnel in certain circumstances. (Ch. 478)

H.B. 1182 (Senate Committee Substitute No. 2), an act to amend various probation laws by extending the availability of intensive probation to misdemeanants and allowing failure to perform community service work to be punished as civil contempt. (Ch. 479)

S.B. 115, an act to make English the Official Language of North Carolina. (Ch. 480)

S.B. 202 (Committee Substitute), an act authorizing the Senior Resident Superior Court Judge to require a judicial official to state the reasons for requiring a secured bail bond as a condition of pretrial release. (Ch. 481)

S.B. 265, an act to make G.S. 130A-24(a) consistent with G.S. Chapter 150B, the Administrative Procedure Act. (Ch. 482)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1187 (Committee Substitute), a bill to make technical corrections in the 1987 Session Laws.

Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill held in the Principal Clerk's Office.

S.B. 48 (House Committee Substitute), a bill to prohibit shallow land burial of low-level radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act, for concurrence in the House Committee Substitute bill.

Senator Tally offers a motion that the rules be suspended and the House Committee Substitute bill be placed before the Senate for immediate consideration, which motion prevails.

Senator Tally moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees.

Senator Winner offers a substitute motion that the House Committee Substitute bill be re-referred to the **Environment Committee**, which motion fails to prevail (electronically recorded).

The motions offered by Senator Tally that the Senate do not concur in the House Committee Substitute bill and further that the President appoint conferees prevail.

The President appoints Senators Tally, Hipps, and Walker as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 254, a bill to amend the law governing sanitation of institutions and day-care facilities, for concurrence in House Amendment No. 1.

Referred to **Human Resources Committee**.

S.B. 682, a bill to increase the maximum fee the Board of Examiners in psychology may require for examinations under the Practicing Psychologists' Licensing Act, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow.

S.B. 719 (House Committee Substitute), a bill to allow the waiver of certain surety bonds required for charitable solicitation, for concurrence in the House Committee Substitute bill.

Senator Kaplan offers a motion that the rules be suspended and the House Committee Substitute bill be placed before the Senate for immediate consideration, which motions prevail.

Senator Kaplan moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Kaplan, Barnes, and Ward as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 824 (House Committee Substitute), a bill directing a study of the Water Quality Act of 1987 to determine State compatibility, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **State Personnel Committee**:

H.B. 648 (Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Taft, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 29, for further consideration.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 471 (House Committee Substitute), a bill to limit the liability of landowners to persons using their land in connection with the Trails System, with a favorable report, as to concurrence.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 333 (Senate Committee Substitute), a bill to provide an additional procedures for merger of school administrative units, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler,

Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Warren, and Winner--44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 672, a bill to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner--46.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 753 (Committee Substitute), a bill to authorize Lee County to levy a room occupancy tax, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 970, a bill to increase the threshold amounts in the bid statutes for purchases, and to authorize waiver of certain bid bonds, as amended, upon third reading.

Senator Royall offers Amendment No. 2 which is adopted (electronically recorded).

Senator Hipps offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Smith, Soles, Speed, Staton, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H.B. 1146, a bill to adopt technical amendments to the Revised Uniform Limited Partnership Act, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 758, a bill creating the North Carolina Local Government Pooled Capital Projects Financing Agency to provide financing for the acquisition, construction and installation by or on behalf of cities of capital projects, including the acquisition of equipment, and amending certain general laws, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 936, a bill to provide a procedure for annexation of municipal property, as amended, upon second reading.

Senator Johnson of Cabarrus offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 955, a bill to regulate dark-shaded windows in motor vehicles, upon second reading.

On motion of Senator Goldston, consideration of the bill is postponed until Monday, June 29.

H.B. 1006 (Senate Committee Substitute), a bill to convert Community Colleges and Technical Institutes into Community Colleges, upon second reading.

Senator Martin of Guilford calls the previous question, seconded by Senator Rand. The call is sustained.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 9, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--37.

Voting in the negative: Senators Bryan, Cobb, Goldston, Johnson of Cabarrus, Kincaid, McDuffie, Shaw, Smith, and Winner--9.

Without objection, on motion of Senator Martin of Guilford, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for further consideration upon third reading.

H.B. 1126 (Senate Committee Substitute), a bill to amend Chapter 42 to clarify the charging of late fees in a residential rental agreement, upon second reading.

The Chair declares the Senate Committee Substitute bill does not require a call of the roll.

The Senate Committee Substitute bill passes its second (electronically recorded) and third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 853 (Committee Substitute), a bill to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Ways and Means Committee.**

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act.

On motion of Senator Hipps, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 86 (Committee Substitute), a bill to expand the property tax exclusion for residences owned by service-connected disabled veterans to include the residences of all veterans who are rated as one hundred percent permanently unemployable.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Ways and Means Committee.**

H.B. 513, a bill to clarify the Nursing Home Bill of Rights regarding nursing home beds being available on return from the hospital.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

On motion of Senator Kaplan, the bill, as amended, is re-referred to the **Judiciary III Committee** (electronically recorded).

H.B. 649, a bill to make certain amendments to the right to know act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 727
(Senate Committee Substitute)

House of Representatives
June 25, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the **H.B. 727** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SOCIAL SERVICES APPEALS LAW, and requests conferees. The Speaker has appointed Representatives Blue, Barnes, and Cooper on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Hipps, Seymour, and Warren as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 761
(Committee Substitute)

House of Representatives
June 25, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H.B. 761** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE 90-DAY FAILURE LAW AND MAKE A CHANGE IN THE LAW REGULATING INFRACTIONS and requests conferees. The Speaker has appointed Representatives Hunter, Hardaway, and Judy Hunt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Sands moves that the President appoint conferees, which motion prevails. The President appoints Senators Sands, Daniel, and Swain as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 152
(Committee Substitute)

House of Representatives
June 25, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H.B. 152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY IN TORT FOR VOLUNTEERS OF NONPROFIT CHARITABLE ORGANIZATIONS and requests conferees. The Speaker has appointed Representatives Wiser, Kerr, and Payne on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Johnson of Wake moves that the President appoint conferees, which motion prevails. The President appoints Senators Johnson of Wake, Barker, and Winner as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 1099 (Senate Committee Substitute), a bill to assure cooperation from appropriate parties in the verification of disposable income for child support withholding purposes and to make other changes in the income withholding statutes.

Senator Marvin offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1176 (Senate Committee Substitute), a bill to amend the Employment Security Law.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1244 (Committee Substitute), a bill to clarify the authority of the Department of Human Resources over the Camp Butner Reservation.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, upon third reading.

On motion of Senator Barnes, consideration of the bill is postponed until Wednesday, July 1.

H.B. 1198, a bill to eliminate the requirement that a notice of sale describe improvements on the property, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

S.B. 94, a bill to recodify the laws relating to fraternal benefit societies and fraternal orders, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 347 (House Committee Substitute), a bill to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, and making conforming changes concerning absentee voting, for concurrence in the House Committee Substitute bill.

On motion of Senator Kaplan, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

S.J.R. 1545, a joint resolution honoring the life and memory of Ray D. Minges, M.D., with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for Monday, June 29, as Special Order of Business No. 1.

On motion of Senator Harrington, seconded by Senator Ward, the Senate adjourns to meet tomorrow at 10:00 A.M.

NINETY-NINTH DAY

SENATE CHAMBER,
Friday, June 26, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Talmage Infinger, Minister of Fellowship Baptist Church, Raleigh, as follows:

"O Lord of History, through Whose power men won liberty, and by Whose justice they beheld the vision of a righteous nation, and by Whose will they laid down their lives to purchase it, we are not unmindful of the heritage which is ours, not of our deserving but by Thy providence, and bought with diligence, scholarship, and sacrifice. Help us to have steadfast courage and unwavering hope to fulfill the tasks which Thy will demands be done.

"We thank Thee for the necessities of life and for many undeserved luxuries. We are grateful for our families and our friends and for their unending support.

"May the Members of this Body be sensitive to the needs of our State, nation and world and that the legislation that they enact reflect that kind of sensitivity. May we support them diligently and regularly with our prayers.

"Lord, grant to us so to love Thee, with all our hearts, and all our minds, and to love our neighbors for Thy sake, that the grace of charity and brotherly love may dwell in us, and all envy, harshness, and ill-will may die in us. For Thy Name's Sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

H.B. 231 (Committee Substitute), a bill to mandate that local boards of education adopt policies regulating the use of corporal punishment in the public schools, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Warren, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 29, for further consideration.

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes, with a favorable report, as amended.

By Senator Seymour for the **Alcoholic Beverage Control Committee**:

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts, with a favorable report at to concurrence.

By Senator Guy for the **State Government Committee:**

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, with a favorable report, as amended.

By Senator Thomas, Vice-Chairman, for Senator Rauch for the **Finance Committee:**

S.B. 130 (House Committee Substitute), a bill to amend the City of Raleigh facility fee enabling legislation, with a favorable report, as to concurrence.

S.B. 852, a bill making technical corrections to the property tax statutes concerning the listing and appraisal of property, with a favorable report.

H.B. 605 (Committee Substitute), a bill to reform the franchise tax applicable to telecommunications companies, with a favorable report.

H.B. 857, a bill to preserve canceled bonds, notes, and coupons for historical and educational purposes, with a favorable report.

H.B. 1098, a bill to change the date for payment of assessments against primary forest products, with a favorable report.

S.B. 1098, a bill to provide a tax credit for dependent care assistance provided by employers and to appropriate funds to publicize the availability of the credit, with a favorable report, as amended.

On motion of Senator Thomas, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Ways and Means Committee.**

S.B. 1241, a bill to modify the carry-forward and other provisions of the distillery tax credit and to appropriate funds to administer the new provisions, with a favorable report, as amended.

On motion of Senator Thomas, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Ways and Means Committee.**

H.B. 792, a bill to allow Robeson County to create fire districts, with a favorable report, as amended.

S.B. 821, a bill to make various fee adjustments, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Committee Substitute bill which changes the title to read a bill to make various fee adjustments and amendments to the Nurse Practice Act, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Thomas, the Committee Substitute bill is placed on the Calendar Monday, June 29, for further consideration.

By Senator Parnell for the **Insurance Committee:**

H.B. 938, a bill regarding uninsured motorist coverage claims, with a favorable report.

On motion of Senator Parnell, the bill is placed on the Calendar for Tuesday, June 30.

H.B. 683, a bill to improve the solvency protection of health maintenance organizations, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is placed on the Calendar Tuesday, June 30, for further consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1223, a bill to permit large urban counties to use property tax funds for personnel costs related to planning and administration of housing rehabilitation programs already authorized by law.

Referred to **Finance Committee.**

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 29.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 672, a bill to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, Plyler, Rand, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 753 (Committee Substitute), a bill to authorize Lee County to levy a room occupancy tax, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, Plyler, Rand, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 509 (Committee Substitute), a bill to revise and rewrite Chapter 926, 1947 Session Laws, As Amended, pertaining to the Charlotte Firemen's Retirement System.

The Committee Substitute bill passes its second (electronically recorded) and third reading and is ordered enrolled.

H.B. 583, a bill to amend the law regarding retirement as it applies to the Wilson Economic Development Council.

The bill passes its second (electronically recorded) and third reading and is ordered enrolled.

H.B. 584, a bill to establish Winston-Salem Firemen's Retirement Fund Association.

The bill passes its second (electronically recorded) and third reading and is ordered enrolled.

S.B. 758, a bill creating the North Carolina Local Government Pooled Capital Projects Financing Agency to provide financing for the acquisition, construction and installation by or on behalf of cities of capital projects, including the acquisition of equipment, and amending certain general laws, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Sands, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 936, a bill to provide a procedure for annexation of municipal property, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 954 (Senate Committee Substitute), a bill to rewrite the laws relating to incompetence and guardianship, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Taft, Tally, Walker, Ward, and Warren--39.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, June 29, for further consideration upon third reading.

H.B. 52, a bill to convert Edgecombe, Nash, and Richmond Technical Colleges to Community Colleges.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read a bill to convert Edgecombe, Nash, Richmond and Cleveland Technical Colleges to community colleges.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered without objection, on motion of Senator Conder, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 306, a bill to provide for the purchase of withdrawn service under the Teacher's and State Employees' Retirement System and the Local Governmental Employees' Retirement System after the completion of five years of creditable service.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Barker: "may be eligible for benefits under act."

Senator Hipps: "may be financially affected by the bill."

Senator Hunt of Moore: None stated.

Senator Sands: "conflict with wife's potential retirement benefits."

The bill passes its second reading (electronically recorded).

Senator Taft objects to the third reading of the bill and on his motion the bill remains on the Calendar for Wednesday, July 1, for further consideration.

H.B. 589 (Senate Committee Substitute No. 2), a bill to provide for continued compliance with the Voting Rights Act and to improve the administration of justice by providing for the elimination of staggered terms for Superior Court Judges, creating more Superior Court Judicial Districts, eliminating the Office of Special Superior Court Judge, and making conforming changes, as amended.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

Senator Ezzell offers Amendment No. 3 which fails adoption (electronically recorded).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (electronically recorded).

Senator Cobb objects to the third reading of the Senate Committee Substitute bill No. 2, as amended.

Senator Winner offers a motion to the end that the Senate Committee Substitute bill No. 2, as amended, be considered upon third reading today.

Senator Winner calls the previous question, seconded by Senator Rand. The call is sustained.

The motion of Senator Winner prevails (electronically recorded) and the Senate Committee Substitute bill No. 2, as amended, remains before the Senate for further consideration upon third reading.

Senator Cobb offers Amendment No. 4, changing the title, upon concurrence, to read, a bill to provide for continued compliance with the voting rights act and to improve the administration of justice by providing for the elimination of staggered terms for Superior Court judges, creating more Superior Court Judicial Districts and making conforming changes.

Senator Winner, seconded by Senator Swain, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails. Amendment No. 4 lies upon the table.

Senator Cobb offers Amendment No. 5.

Senator Winner, seconded by Senator Swain, offers a motion that Amendment No. 5 do lie upon the table.

Senator Cobb calls for the "ayes" and "noes" on the motion offered by Senator Winner to table Amendment No. 5. The call is not sustained.

The Chair places the motion and calls for a voice vote. Senator Cobb requests the vote on the motion to table Amendment No. 5 be taken electronically.

The Chair disallows the request ruling the motion is placed by the Chair and a voice vote called prior to the request.

The motion offered by Senator Winner that Amendment No. 5 do lie upon the table prevails. Amendment No. 5 lies upon the table.

Senator Winner calls the previous question, seconded by Senator Rand. The call is sustained.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (electronically recorded) and without objection, on motion of Senator Winner, is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2, without engrossment, by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 94, an act to recodify the laws relating to fraternal benefit societies and fraternal orders. (Ch. 483)

S.B. 261, an act to authorize Wilson County to levy a room occupancy and tourism development tax. (Ch. 484)

S.B. 347 (House Committee Substitute), an act to clarify the power of county boards of elections to hold required meetings for approval of absentee ballots at alternate times, and making conforming changes concerning absentee voting. (Ch. 485)

S.B. 653, an act to provide for annexation of certain property to the Town of Richfield, subject to removal from the corporate limits if the voters of the town reject a sewer bond. (Ch. 486)

H.B. 425 (Committee Substitute), an act to provide that nonresidents who fish outside North Carolina waters may obtain a vessel license during any month thereby allowing them to land and sell fish in North Carolina. (Ch. 487)

H.B. 586, an act to amend the North Carolina Cemetery Act to enhance administration and protection of the public. (Ch. 488)

H.B. 649, an act to make certain amendments to the right to know act. (Ch. 489)

H.B. 747, an act to require a water or sewer utility company to post a bond. (Ch. 490)

H.B. 846, an act to make technical changes in the election laws. (Ch. 491)

H.B. 1046 (Senate Committee Substitute), an act to allow the State Board of Examiners for Nursing Home Administrators to substitute comparable professional experience for the requirement of an internship as an administrator-in-training. (Ch. 492)

H.B. 1198, an act to eliminate the requirement that a notice of sale describe improvements on the property. (Ch. 493)

CONFERENCE REPORT

H.B. 152
(Committee Substitute)

Senator Johnson of Wake for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 152** (Committee Substitute), a bill to provide qualified immunity from civil liability in tort for volunteers of nonprofit charitable organizations, submits the following Report:

June 26, 1987

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on H.B. # 152, Senate Amendment 1 (one) by Senator Barker, moves to amend the bill on page 2, line 21, by inserting quotation marks after the period; and on page 2, line 22, by deleting "shall become effective October 1, 1987" and substituting "is effective upon ratification".

And, on H.B. # 152, Senate Amendment 2 (two) by Senator Winner, moves to amend the bill on page 2, line 8, by deleting the words, "health care".

wish to report as follows: Agree to accept Senate Amendment 1 (one)

Agree to a change in the sentence amended by Senate Amendment 2 (two) as follows:

Line 7 (c), to read: 'Nothing herein shall be construed to alter the standard of care requirement or liability of persons rendering professional services'.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 26th day of June, 1987.

S/Joe Johnson
S/William Barker
S/Dennis Winner
Conferees on the part of the Senate

S/Betty H. Wiser
S/John Kerr
S/Harry Payne
Conferees on the part of the House of Representatives

On motion of Senator Johnson of Wake, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Royall moves that Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S.R. 1554, a resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

On motion of Senator Royall, the resolution is placed on the Calendar for Monday, June 29.

CALENDAR (Continued)

H.B. 1094, a bill pertaining to altering or changing engine and other numbers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1102 (Committee Substitute), a bill regarding the contents of teachers' personnel files.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes second reading (electronically recorded).

On objection of Senator Bryan to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for Monday, June 29, for further consideration.

H.B. 1120 (Senate Committee Substitute), a bill to authorize appellate courts to fix the value of legal services provided to indigents in appeals by the appellate defender and to improve the procedures for the collection of judgments.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1138, a bill to amend the law regarding small claims actions.

Senator Allran offers Amendment No. 1.

On motion of Senator Sands, the bill, with Amendment No. 1 pending, is recommitted to the **Judiciary III Committee**.

H.B. 1181, a bill to authorize a magistrate to order removal from a dwelling found unfit for human habitation.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1246, a bill to reduce the waiting period for applications for retirement from thirty days to one day in the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 471 (House Committee Substitute), a bill to limit the liability of landowners to persons using their land in connection with the Trails System, for concurrence in the House Committee Substitute bill.

On motion of Senator Hipps, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 682, a bill to increase the maximum fee the Board of Examiners in psychology may require for examinations under the Practicing Psychologists' Licensing Act, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Walker, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

S.B. 824, a bill directing a study of the Water Quality Act of 1987 to determine State compatibility, for concurrence in the House Committee Substitute bill.

On motion of Senator Tally, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 840, a bill to provide for increased involvement in water testing and analysis by private commercial laboratories, for concurrence in House Amendment No. 1.

On motion of Senator Taft, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

H.B. 763, a bill to permit the Teachers' Retirement System and the Local Governmental Employees' Retirement System to obtain the addresses of members, beneficiaries and beneficiaries of deceased members from other State agencies, departments and institutions in order to notify them or benefit entitlements.

Senator Hunt of Moore offers Amendment No. 1 which is adopted (electronically recorded) changing the title, upon concurrence, to read **H.B. 763**, a bill to permit the

Teachers' Retirement System and the Local Governmental Employees' Retirement System to obtain the addresses of members, beneficiaries and beneficiaries of deceased members from other State agencies, departments and institutions in order to notify them of benefit entitlements.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1170, a bill to provide that consent for the adoption of a child is void under certain circumstances and to clarify that no consent is revocable after an interlocutory decree has been issued, as amended, upon third reading.

Without objection, the Chair places the bill, as amended, before the Senate for consideration upon third reading out of its regular order of business.

Senator Winner offers Amendment No. 5 which is adopted (electronically recorded) changing the title, upon concurrence, to read **H.B. 1170,** a bill to provide that consent for the adoption of a child is not revocable after eighteen months and to clarify that no consent is revocable after an interlocutory decree has been issued.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2 and No. 5.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 48
(House Committee Substitute)

House of Representatives
June 26, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S.B. 48** (House Committee Substitute), a bill TO BE ENTITLED AN ACT TO PROHIBIT SHALLOW LAND BURIAL OF LOW-LEVEL RADIOACTIVE WASTE, TO REQUIRE THE USE OF ENGINEERED BARRIERS IN CONNECTION WITH THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, TO ESTABLISH REQUIREMENTS FOR ENGINEERED BARRIERS AND OTHER REQUIREMENTS APPLICABLE TO THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, AND TO AMEND CERTAIN DEFINITIONS IN THE RADIATION PROTECTION ACT, the Speaker has appointed as conferees on the part of the House, Representatives Bruce Ethridge, Hightower, and Devane to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

S.B. 719
(House Committee Substitute)

House of Representatives
June 26, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S.B. 719** (House Committee Substitute), a bill TO BE ENTITLED AN ACT TO ALLOW THE WAIVER OF CERTAIN SURETY BONDS REQUIRED FOR CHARITABLE SOLICITATION, the Speaker has appointed as conferees on the part of the House, Representatives Hackney, Payne, and Miller to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Guy, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDREDTH DAY

SENATE CHAMBER,
Monday, June 29, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Carl Frazier, Jr., Minister of Battleboro United Methodist Church, Battleboro, as follows:

"Holy God, as we gather again in this good place, our first word to You is thanks--for the weekend past and its rest and refreshment; for time with the family and friends; for work completed and work nearing its end. We confess to You our reluctance to relinquish those gifts and to engage this Monday and the new week. We acknowledge our weariness in our tasks. Pour upon Your servants in this place new energies and fresh hope that they may continually serve You and Your children with wisdom, with justice, and with compassion. Grant them fulfillment in that which they do, and grant that all that we do may be pleasing in Your sight, bringing honor and glory to Your Holy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Harris, due to the hospitalization of his wife, and to Senator McDuffie, who is attending the National Senior Olympics in St. Louis, Missouri.

The Chair declares the voting equipment inoperative for tonight's Session.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S.J.R. 1545

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 1545**, a joint resolution honoring the life and memory of Ray D. Minges, M.D.

The joint resolution passes its second and third readings with members standing and is ordered, without objection, sent to the House of Representatives by special messenger.

S.R. 1554, a resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, for adoption.

On motion of Senator Royall, the Senate resolution is adopted.

(The text of this resolution appears in the Appendix.)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Environment Committee:**

S.B. 755, a bill to provide a site to the United States Department of Energy for a "Superconducting Super Collider", with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Winner, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 94 (Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 1204 (Committee Substitute), a bill to repeal the requirement that certain water and sewer authorities receive a certificate authorizing eminent domain before acquiring water rights, so as to recognize the special regional nature of those authorities, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 1, for further consideration.

CALENDAR (Continued)

H.B. 792, a bill to allow Robeson County to create fire districts, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner-44.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 130 (House Committee Substitute), a bill to amend the City of Raleigh facility fee enabling legislation, for concurrence in the House Committee Substitute bill.

On motion of Senator Rauch, the Senate concurs in the House Committee Substitute bill, and the bill is ordered enrolled.

H.B. 954 (Senate Committee Substitute), a bill to rewrite the laws relating to incompetence and guardianship, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, upon second reading.

On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 605 (Committee Substitute), a bill to reform the franchise tax applicable to telecommunications companies, upon second reading.

Senator Kaplan offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 955, a bill to regulate dark-shaded windows in motor vehicles, upon second reading.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

Senator Goldston offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of

Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: Senator Barnes--1.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 821 (Committee Substitute), a bill to make various fee adjustments and amendments to the Nurse Practice Act.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 852, a bill making technical corrections to the property tax statutes concerning the listing and appraisal of property.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 231 (Senate Committee Substitute), a bill to mandate that local boards of education adopt policies regulating the use of corporal punishment in the public schools.

Senator Kincaid calls for the "ayes" and "noes" on the passage of the Senate Committee Substitute bill, upon second reading. The call is not sustained.

Senator Winner calls the previous question, seconded by Senator Rand. The call is sustained.

The Senate Committee Substitute bill passes its second reading. The following Senators request to be recorded voting "no": Senators Allran, Barker, Basnight, Bryan, Cobb, Guy, Kincaid, Martin of Pitt, Parnell, Rauch, Simpson, Smith, Somers, Speed, and Thomas.

On objection of Senator Kincaid to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 11, a bill making advertising agencies liable for sales tax on all items purchased by them and excluding items produced by advertising agencies from sales tax, thereby ensuring that advertising services are not subject to sales tax.

Referred to **Finance Committee.**

H.B. 853, a bill to make changes in the Child Day Care Law.

Referred to **Children and Youth Committee.**

H.B. 1628 (Committee Substitute), a bill to authorize the director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1987.

Referred to **Appropriations Committee.**

S.B. 482, a bill to eliminate the requirement that the county board of elections must approve the withdrawal of any candidate in a single county election, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow.

S.B. 818 (House Committee Substitute), a bill creating a civil cause of action against shoplifters and employees who steal from their employers.

Referred to **Judiciary II Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 480 (House Committee Substitute), a bill to permit real estate license surrender, to simplify recovery fund claims, and to make certain violations of the Time Share Act criminal offenses, for concurrence in the House Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

H.B. 152
(Committee Substitute)

House of Representatives
June 26, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY IN TORT FOR VOLUNTEERS OF NONPROFIT CHARITABLE ORGANIZATIONS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace Collins
Principal Clerk

H.B. 537
(Committee Substitute)

House of Representatives
June 26, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H.B. 537** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TAX INFORMATION ON DEEDS BEFORE THEY MAY BE RECORDED IN MITCHELL COUNTY, and requests conferees. The Speaker has appointed Representatives Buchanan, Wicker, and Nesbitt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Winner moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Winner, and Simpson as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 260 (Committee Substitute), an act to require General Assembly review of all changes in special use airspaces in the airspace over North Carolina. (Ch. 494)

S.B. 345, an act to clarify the emergency medical technician certification process for out-of-state applicants. (Ch. 495)

S.B. 389 (Committee Substitute), an act to authorize the regulation of the operation of water wells and well systems with a designed capacity of 100,000 gallons per day or greater by bringing the operation of such wells within the purview of the Well Construction Act. (Ch. 496)

S.B. 403 (Committee Substitute), an act to provide for the cancellation of a money judgment by the Clerk of Court upon full payment by the debtor as recommended by the General Statutes Commission and the Conference of Clerks of Superior Court. (Ch. 497)

S.B. 471 (House Committee Substitute), an act to limit the liability of landowners to persons using their land in connection with the Trails System. (Ch. 498)

S.B. 636, an act to permit Nash County to appropriate additional funds for industrial development. (Ch. 499)

S.B. 682, an act to increase the maximum fee the Board of Examiners in psychology may require for examinations under the Practicing Psychologists' Licensing Act. (Ch. 500)

S.B. 824, an act directing a study of the Water Quality Act of 1987 to determine State compatibility. (Ch. 501)

S.B. 840, an act to provide for increased involvement in water testing and analysis by private commercial laboratories. (Ch. 502)

H.B. 52, an act to convert Edgecombe, Nash, Richmond and Cleveland Technical Colleges to Community Colleges. (Ch. 503)

H.B. 139, an act to provide that in preparation of the general election ballot, the State Board of Elections may not divide the Appellate Division into more than one ballot, and may not divide the Superior Court into more than one ballot. (Ch. 504)

H.B. 152 (Committee Substitute), an act to provide qualified immunity from civil liability in tort for volunteers of nonprofit charitable organizations. (Ch. 505)

H.B. 509 (Committee Substitute), an act to revise and rewrite Chapter 926, 1947 Session Laws, As Amended, pertaining to the Charlotte Firemen's Retirement System. (Ch. 506)

H.B. 583, an act to amend the law regarding retirement as it applies to the Wilson Economic Development Council. (Ch. 507)

H.B. 584, an act to establish Winston-Salem Firemen's Retirement Fund Association. (Ch. 508)

H.B. 589 (Senate Committee Substitute No. 2), an act to provide for continued compliance with the Voting Rights Act and to improve the administration of justice by providing for the elimination of staggered terms for Superior Court Judges, creating more Superior Court Judicial Districts, eliminating the Office of Special Superior Court Judge, and making conforming changes. (Ch. 509)

H.B. 818, an act to extend the corporate limits of the Town of Hillsborough. (Ch. 510)

H.B. 1094, an act pertaining to altering or changing engine and other numbers. (Ch. 512)

H.B. 1246, an act to reduce the waiting period for applications for retirement from thirty days to one day in the Legislative Retirement System, Local Governmental Employees' Retirement System, Teachers' and State Employees' Retirement System and Consolidated Judicial Retirement System. (Ch. 513)

WITHDRAWAL FROM COMMITTEE

S.B. 818 (House Committee Substitute), a bill creating a civil cause of action against shoplifters and employees who steal from their employers.

Without objection, on motion of Senator Hardison, the rules are suspended, and the House Committee Substitute bill is taken from the **Judiciary II Committee** and is placed before the Senate for immediate consideration upon concurrence.

On motion of Senator Hardison, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

CALENDAR (Continued)

H.B. 648 (Senate Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such.

The Senate Committee Substitute bill passes its second reading.

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 857, a bill to preserve canceled bonds, notes, and coupons for historical and educational purposes.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Taft to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 1098, a bill to change the date for payment of assessments against primary forest products.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1102 (Committee Substitute), a bill regarding the contents of teachers' personnel files, as amended, upon third reading.

Senator Warren offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 413, a bill to allow the issuance of beer/wine permits for certain recreation/sports districts, for concurrence in House Amendment No. 1.

On motion of Senator Johnson of Cabarrus, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

S.B. 680, a bill to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Martin Randolph Benfield, Newton; Clifton B. Carpenter, Raleigh; Jeffrey Harrelson

Danley, Vass; Leroy Douglas II, Woodland; Melinda Suzanne Eldreth, Willow Springs; Greg Everette, Durham; Darryl Head, Raleigh; Brett Hershey, Charlotte; Derek Holland, Raleigh; Tonya Housand, Hampstead; David Joye, Graham; Elisabeth Beale Joyner, New Bern; Stephanie Price Joyner, New Bern; John Kanipe, Raleigh; Roger Kirkman, Jr., Burlington; Patrick Ray Latta, Raleigh; Stacey Todd Long, Prospect Hill; Rachel Michalove, Hendersonville; Christopher Thomas Noell, Mayodan; Sherry Denisa Reitzel, Conover; Jennifer Elizabeth Salmon, Fayetteville; Indy L. Savage, Havelock; Thomas Fritz Spence, Raleigh; Tonya Lee Strickland, Hamlet; Charlotte Weaver, Fuquay Varina; Princess Kashan Whitaker, Raleigh; Marcia Nikol Wilson, Garner; and Jonathan Wray, Raleigh.

On motion of Senator Harrington, seconded by Senator Parnell, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED FIRST DAY

SENATE CHAMBER,
Tuesday, June 30, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Harold Hardison, Senator from Lenoir County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris and McDuffie.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

H.B. 291 (Committee Substitute), a bill to provide that certain preliminary hearings on license suspensions are not mandatory, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July, 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 130 (House Committee Substitute), an act to amend the City of Raleigh facility fee enabling legislation. (Ch. 514)

S.B. 413, an act to allow the issuance of beer/wine permits for certain recreation/sports districts. (Ch. 515)

S.B. 480 (House Committee Substitute), an act to permit real estate license surrender, to simplify recovery fund claims, and to make certain violations of the Time Share Act criminal offenses. (Ch. 516)

S.B. 555, an act to amend Chapter 159D of the General Statutes pertaining to industrial and pollution control facilities pool program financing act. (Ch. 517)

S.B. 680, an act to amend G.S. 14-404 and G.S. 14-409.3 pertaining to firearms permits. (Ch. 518)

S.B. 818 (House Committee Substitute), an act creating a civil cause of action against shoplifters and employees who steal from their employers. (Ch. 519)

S.B. 865, an act regarding eligibility for transporter plates. (Ch. 520)

H.B. 322, an act to permit dissolution of certain sanitary districts by the County Board of Commissioners. (Ch. 521)

H.B. 857, an act to preserve canceled bonds, notes, and coupons for historical and educational purposes. (Ch. 522)

H.B. 1098, an act to change the date for payment of assessments against primary forest products. (Ch. 523)

S.J.R. 1545, a joint resolution honoring the life and memory of Ray D. Minges, M.D. (Res. 34)

H.B. 1052 (Committee Substitute), an act to amend the Certificate of Need Law. (Ch. 511)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

H.B. 200 (Committee Substitute), a bill to amend Chapter 115C by adding Article 21A governing the confidentiality of personnel files of employees of local boards of education and to make other changes in employment practices, with a favorable report, as amended.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 792, a bill to allow Robeson County to create fire districts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, as amended, upon third reading.

On motion of Senator Seymour, consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, July 1.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee:**

H.B. 1628 (Committee Substitute), a bill to authorize the director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1987, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

H.B. 198, a bill to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District, with a favorable report.

H.B. 645, a bill to define a "subdivision" for the purpose of subdivision regulations in Robeson County, with a favorable report.

H.B. 797, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an Airport Authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said Airport Authority all powers set out in Chapter 63 of the General Statutes of North Carolina, with a favorable report.

H.B. 869 (Committee Substitute), a bill to allow the Bladen County Board of Commissioners to alter the manner of their election, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Ezzell, the Committee Substitute bill is placed on the Calendar for Thursday, July 2, for further consideration.

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 639, a bill to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders, with a favorable report.

H.B. 298, a bill designating the District Court as the proper division for trial of an alleged breach of a separation agreement, with a favorable report, as amended.

H.B. 271 (Committee Substitute No. 2), a bill to permit title insurance companies to insure the proper performance of real estate closing services, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 2, for further consideration.

H.B. 1030 (Committee Substitute), a bill to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 2, for further consideration.

CALENDAR (Continued)

H.B. 605 (Committee Substitute), a bill to reform the franchise tax applicable to telecommunications companies, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 955, a bill to regulate dark-shaded windows in motor vehicles, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Somers, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--39.

Voting in the negative: Senator Barnes--1.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1006 (Senate Committee Substitute), a bill to convert Community Colleges and Technical Institutes into Community Colleges, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Daniel, Ezzell, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--39.

Voting in the negative: Senators Bryan, Cobb, Goldston, Johnson of Cabarrus, Smith, and Winner--6.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 354 (Committee Substitute), a bill to prohibit the abuse of patients or residents in residential health care facilities.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 683 (Senate Committee Substitute), a bill to improve the solvency protection of health maintenance organizations.

On motion of Senator Johnson of Wake, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 2.

H.B. 938, a bill regarding uninsured motorist coverage claims.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 231 (Senate Committee Substitute), a bill to mandate that local boards of education adopt policies regulating the use of corporal punishment in the public schools, upon third reading.

Senator Simpson offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Allran offers Amendment No. 2 which is adopted (electronically recorded).

Senator Block offers Amendment No. 3 which is adopted (electronically recorded).

Senator Winner calls the previous question, seconded by Senator Hardison. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 648 (Senate Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such, upon third reading.

On motion of Senator Taft, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 2.

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes, as amended.

On motion of Senator Taft, consideration of the Committee Substitute bill, as amended, is postponed until Thursday, July 2.

S.B. 482, a bill to eliminate the requirement that the county board of elections must approve the withdrawal of any candidate in a single county election, for concurrence in House Amendment No. 1.

On motion of Senator Conder, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1107 (Senate Committee Substitute)

House of Representatives
June 30, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the **H.B. 1107** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE ON DISORDERLY CONDUCT TO SPECIFY PERSONS AUTHORIZED TO ORDER THE VACATION OF BUILDINGS AND FACILITIES AT COLLEGES AND UNIVERSITIES, AND

TO AMEND THE GENERAL STATUTES TO PERMIT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES, and requests conferees. The Speaker has appointed Representatives Hackney, Redwine, and Wiser on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Tally, and Martin of Guilford as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate stands in recess until 3:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1628 (Committee Substitute), an act to authorize the director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1987. (Ch. 524)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.R. 2155

House of Representatives
June 30, 1987

Mr. President:

It is ordered that a message be sent, notifying your Honorable Body that the House has adopted House Resolution 2155, "A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA," and invite you to meet in Joint Session in the House Chamber at 1:30 P.M. on July 1, 1987 for the purpose of nominating persons for election to the Board of Governors of the University of North Carolina, in accordance with G.S. 116-6.

Respectfully,
s/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow at 1:15 P.M.

ONE HUNDRED SECOND DAY

SENATE CHAMBER,
Wednesday, July 1, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Randall J. Cirksena, Jr., Minister of Norwood Circuit United Methodist Church, Norwood, as follows:

"O God of our salvation and deliverance, we humbly pause as the hour of debate and decision approaches. We know we have been chosen to fulfill certain duties and obligations. May we be quickened in this moment by Your Holy Presence as we remember our eternal callings. Let our work be true, faithful, and just so that in all we do, Your redemption may be seen and experienced. Bless our Governor. Mercifully, bless us to serve You as we serve humankind here in North Carolina. May Your liberty and freedom be forever ours. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator McDuffie, who is participating in the National Senior Olympics in St. Louis, Missouri, and to Senator Johnson of Wake.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 75, an act to allow all State and local law enforcement officers to communicate in times of emergency. (Ch. 525)

S.B. 482, an act to eliminate the requirement that the county board of elections must approve the withdrawal of any candidate in a single county election. (Ch. 526)

H.B. 354 (Committee Substitute), an act to prohibit the abuse of patients or residents in residential health care facilities. (Ch. 527)

H.B. 844, an act to make certain clarifying and conforming amendments to the North Carolina Self-Insurance Guaranty Act. (Ch. 528)

H.B. 938, an act regarding uninsured motorist coverage claims. (Ch. 529)

H.B. 1126 (Senate Committee Substitute), an act to amend Chapter 42 to clarify the charging of late fees in a residential rental agreement. (Ch. 530)

H.B. 1146, an act to adopt technical amendments to the Revised Uniform Limited Partnership Act. (Ch. 531)

H.B. 1176 (Senate Committee Substitute), an act to amend the Employment Security Law. (Ch. 532)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee:**

S.B. 254, a bill to amend the law governing sanitation of institutions and day-care facilities, with a favorable report, as to concurrence.

H.B. 261, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given, with a favorable report.

H.B. 831, a bill to increase the fees set and collected by the State Board of Mortuary Science, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Harris, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 198, a bill to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 797, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an Airport Authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said Airport Authority all powers set out in Chapter 63 of the General Statutes of North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 645, a bill to define a "subdivision" for the purpose of subdivision regulations in Robeson County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.R. 2155

House of Representatives
June 30, 1987

Mr. President:

It is ordered that a message be sent, notifying your Honorable Body that the House has adopted House Resolution 2155, "A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA," and invite you to meet in Joint Session in the House Chamber at 1:30 P.M. on July 1, 1987 for the purpose of nominating persons for election to the Board of Governors of the University of North Carolina, in accordance with G.S. 116-6.

Respectfully,
s/Grace A. Collins
Principal Clerk

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **S.R. 1554**, a resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

On motion of Senator Harrington, in accordance with **H.R. 2155** and **S.R. 1554**, the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III, President of the Senate.

The Clerk of the Senate calls the roll of the Senate, and the following members answer the call: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

The roll-call of the House of Representatives is recorded electronically, and the following members answer the call: Speaker Ramsey, Representatives Alexander, Anderson, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowman, Boyd, Brannan, Brawley, B. Brown, J. Brown, Buchanan, Chalk, Chapin, Colton, Cromer, Cunningham, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Bob Etheridge, L. Etheridge, Bruce Ethridge, Fitch, Fletcher, Foster, Freeman, Fussell, Gardner, Greenwood, Grimmer, Hardaway, Hasty, Hege, Hightower, Holmes, Holroyd, Holt, Huffman, Hughes, Jack Hunt, Judy Hunt, S. Hunt, Hunter, Isenhower, James, Jarrell, Jeralds, Jones, Keesee-Forrester, Kennedy, Kerr, Ligon, Lineberry, Lutz, McAlister, McLaughlin, Mavretic, Michaux, Mothershead, Nesbitt, Nye, Perdue, Privette, Raynor, Redwine, Rhodes, Rhyne, Rogers, Starnes, Tallent, R. Thompson, S. Thompson, Tyndall, Walker, Warner, R. Warren, Wicker, Wilmoth, Windley, Wiser, Woodard, and Wright--93.

The President of the Senate declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it is convened.

The President of the Senate recognizes Senator Royall, Chairman of the **Select Committee of the University Board of Governors** of the Senate, who submits the following report:

The Select Committee on Board of Governors of the Senate recommends the following persons for the nomination by the Joint Session of the Senate and House of Representatives for election to the Board of Governors to the University of North Carolina. Each of these persons is, in the opinion of the Committee, legally qualified for the position to which he or she is recommended and has stated that he or she would serve if elected.

AT-LARGE CATEGORY

(Senate Will Elect Three For Four-Year Terms)
Boyle, Irvin
Jones, Robert L.
Newton, Clint
Porter, W. Travis
Thomas, Joseph E.
Williams, John A., Jr.

MINORITY PARTY CATEGORY

(Senate Will Elect One For Four-Year Term)
Holshouser, James E., Jr.
Little, George

The President of the Senate relinquishes the gavel to the Speaker of the House of Representatives.

The Speaker recognizes Representative N.J. Crawford, Chairman of the **University Board of Governors Nominating Committee of the House of Representatives**, who submits the following report:

The University Board of Governors Nominating Committee of the House of Representatives respectfully nominates the following persons for election to the Board of Governors of the University of North Carolina.

RECOMMENDED NOMINEES

AT-LARGE CATEGORY

(Two Seats)
Ammons, Justus M. "Jud"
Evans, Charles D.
Froelich, Jr., J. H. "Jake"
Tullos, Gus

WOMAN'S CATEGORY

(One Seat)
McCain, Betty
Newbold, Ellen

MINORITY RACE CATEGORY

(One Seat)
Clement, III, A. J. Howard
Johnson, Joy J.

NOMINEE

Turner, E. B.

The Chair declares the floor open for nominations for the Woman's Category for a four-year term. Receiving none, the Chair declares the floor open for nominations for the Minority Race Category for a four-year term. Receiving none, the Chair declares the floor open for nominations for Minority Party Category for a four-year term. Receiving none, the Chair declares the floor open for nominations for the At-Large Category to be elected by the Senate for a four-year term. Receiving none, the Chair declares the floor open for nominations for the At-Large Category to be elected by the House of Representatives for a four-year term. Receiving none, the Chair accepts a motion from Representative N. J. Crawford that the nominations be closed, which motion prevails.

The Speaker of the House of Representatives relinquishes the gavel to the President of the Senate.

The Chair declares the floor open for nominations for the Woman's Category for a four-year term. Receiving none, the Chair declares the floor open for nominations for the Minority Race Category for a four-year term. Receiving none, the Chair declares the floor open for nominations for the Minority Party Category for a four-year term.

Senator Somers offers the name of Edwin W. Tenny, Jr., as a nominee for the Minority Party Category for a four-year term.

Receiving no further nominations, the Chair declares the floor open for nominations for the At-Large Category to be elected by the Senate for a four-year term. Receiving none, the Chair declares the floor open for nominations for the At-Large Category to be elected by the House of Representatives for a four-year term. Receiving none, the Chair accepts a motion from Senator Royall that the nominations be closed, which motion prevails.

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

CALENDAR (Continued)

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, as amended, upon third reading.

Senator Allran offers Amendment No. 2, held to be material, which is adopted (electronically recorded), constituting the first reading of the Committee Substitute bill, as amended, and the bill remains on the Calendar for tomorrow, upon second reading.

H.B. 1204 (Committee Substitute), a bill to repeal the requirement that certain water and sewer authorities receive a certificate authorizing eminent domain before acquiring water rights, so as to recognize the special regional nature of those authorities, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, upon second reading.

On motion of Senator Walker, consideration of the Senate Committee Substitute bill is postponed until Friday, July 3.

H.B. 200 (Committee Substitute), a bill to amend Chapter 115C by adding Article 21A governing the confidentiality of personnel files of employees of local boards of education and to make other changes in employment practices.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Warren objects to the third reading of the Committee Substitute bill, as amended, which objection he subsequently withdraws.

Senator Block offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 298, a bill designating the District Court as the proper division for trial of an alleged breach of a separation agreement.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Sands offers Amendment No. 2 which is adopted (electronically recorded).

On motion of Senator Staton, further consideration of the bill, as amended, is postponed until tomorrow.

H.B. 639, a bill to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill remains on the Calendar for Monday, July 6, for further consideration.

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications.

On motion of Senator Taft, the Committee Substitute bill is recommitted to the **State Personnel Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S.B. 701, a bill to establish a septage management program in the Department of Human Resources, with a favorable report.

S.B. 760, a bill relating to the establishment and financing of self-insurance programs by cities and counties, with a favorable report.

H.B. 9 (Committee Substitute), a bill to conform the penalties for late payments of inheritance tax to those applicable to late payments of all other taxes, with a favorable report.

H.B. 25 (Committee Substitute), a bill to make the law concerning State privilege license taxes on gun dealers more equitable, with a favorable report.

H.B. 42, a bill to increase the supervision fee for probation and parole, with a favorable report.

H.B. 421, a bill to revise maximum fees authorized for the North Carolina Board of Dental Examiners, with a favorable report.

H.B. 478, a bill to clarify the gift tax effect of lapsed general powers of appointment, with a favorable report.

H.B. 479, a bill to clarify that for recurring tax purposes there is a conclusive presumption that property involved in the prior transfer, or its equivalent value, is a part of the present decedent's estate, with a favorable report.

H.B. 688, a bill to amend the pesticide law, with a favorable report.

H.B. 817 (Committee Substitute), a bill to authorize Lenoir County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 840 (Committee Substitute), a bill to improve programs for certifying wastewater treatment plant operators, with a favorable report.

H.B. 1236, a bill to increase securities related fees, with a favorable report.

H.B. 613, a bill to permit the City of Oxford to collect a motor vehicle tax of not more than ten dollars, with a favorable report, as amended.

WITHDRAWAL FROM CALENDAR

H.B. 298, a bill designating the District Court as the proper division for trial of an alleged breach of a separation agreement.

Without objection, on motion of Senator Staton, the bill is taken from the Calendar for tomorrow and is placed before the Senate for further consideration, upon third reading.

Senator Staton moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails.

Without objection, Senator Sands withdraws Amendment No. 2.

Senator Staton offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 3.

CALENDAR (Continued)

H.B. 306, a bill to provide for the purchase of withdrawn service under the Teacher's and State Employees' Retirement System and the Local Governmental Employees' Retirement System after the completion of five years of creditable service, upon third reading.

The bill passes its third reading (electronically recorded).

Senator Hunt of Moore moves that the vote by which the bill passes its third reading be reconsidered, which motion prevails.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Hipps: "Potential of financial gain."

Senator Hunt of Moore: None stated

Senator Sands: None stated

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, upon third reading.

On motion of Senator Barnes, the bill is recommitted to the **Judiciary I Committee**.

CONFERENCE REPORT

H.B. 537 (Committee Substitute)

Senator Simpson for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 537** (Committee Substitute), a bill to require tax information on deeds before they may be recorded in Mitchell County, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H.B. 537** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TAX INFORMATION ON DEEDS BEFORE THEY MAY BE RECORDED IN MITCHELL COUNTY, wish to report as follows:

remove the amendment that was adopted in the Senate **Judiciary IV Committee** on June 24, 1987 that reads as follows:
"to amend the bill on page 1, line 10, 11, and 12 by placing a period after the word supervisor and striking the remainder of line 10 and all of line 11 and the "or tax collector" on line 12."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

s/Dan Simpson	s/Charles M. Buchanan
s/Dennis Winner	s/Martin Nesbitt
s/R. C. Soles	s/Dennis Wicker
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Simpson, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 537
(Committee Substitute)

House of Representatives
July 1, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 537** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TAX INFORMATION ON DEEDS BEFORE THEY MAY BE RECORDED IN MITCHELL COUNTY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace Collins
Principal Clerk

CONFERENCE REPORT

H.B. 622

Senator Goldston for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 622**, a bill to provide official license plates for the clerks of superior court, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H.B. 622**, A BILL TO BE ENTITLED AN

ACT TO PROVIDE OFFICIAL LICENSE PLATES FOR THE CLERKS OF SUPERIOR COURT, wish to report as follows:

amend the bill on page 1, line 8 by adding the word "plate" between the word, which, and the word, shall;

by deleting the words, 'Clerk of Court' at the end of line 8 on page 1 and inserting in that place the words 'Clerk Superior Court'.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

s/W. D. Goldston, Jr.
s/Bill Barker
s/Helen R. Marvin

Conferees on the part of the Senate

s/Gerald Anderson
s/Ed N. Warren
s/Robert C. Hunter

Conferees on the part of the House of Representatives

On motion of Senator Goldston, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Basnight, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED THIRD DAY

SENATE CHAMBER,
Thursday, July 2, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Glenda Johnson, Associate Minister of Highland United Methodist Church, Raleigh, as follows:

"Eternal God, to You we turn at the opening of this day of meeting for these who serve us as Senators in North Carolina. We are thankful for this great State in which we are blessed to live and to work.

"Great God, through all these many years of statehood, we have freely sought Your blessing and have received such in gracious abundance. It is my prayer today that we will ever remember to turn to You seeking blessing but also seeking guidance, that our decisions may be unselfish ones, made insofar as possible in the best interest of all of our people.

"Gracious God, visit anew the hearts and minds and spirits of all gathered here. Give rest and refreshment to those who are weary and who carry heavy burdens; place Your healing touch upon the lives of all who are unwell in body or in spirit; lend a forgiving spirit to those who hurt with a need for reconcilement; and grant to us, each and all, a loving and gentle spirit which can transcend and overcome daily hurts, burdens, and disagreements.

"Keep before us the sure knowledge that as our leaders turn to You, trust in You, and follow Your precepts, then the wrong will be corrected, the right will prevail, and

this State and the world will become increasingly a better place for ourselves, for our children, and for our children's children. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Johnson of Cabarrus, due to illness.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

H.B. 628, a bill to require that headlights be illuminated in the fog, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill which changes the title to read **H.B. 628** a bill to amend G.S. 20-129, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 6, for further consideration.

By Senator Kaplan for the **Election Laws Committee:**

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar Wednesday, July 8.

H.B. 1071, a bill to provide for standardization of criminal penalties for election law violations, with a favorable report.

H.B. 548, a bill to provide that on general election ballots, names in multi-seat races are printed on the ballot within a political party in alphabetical order, with a favorable report, as amended.

H.B. 985, a bill to remove the requirement that an absentee ballot be notarized and substitute a requirement that it be witnessed by at least two persons, with a favorable report, as amended.

H.B. 1008, a bill to provide a separate ballot for multi-seat races, except where mechanical voting machines are used, with an unfavorable report as to bill, but favorable report as to Senate Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H.B. 1008,** a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting, and to provide a separate ballot for multi-seat races, except where mechanical voting machines are used, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Kaplan, the Senate Committee Substitute bill is placed on the Calendar Monday, July 6, for further consideration.

By Senator Royall for the **Ways and Means Committee:**

S.B. 732, a bill to establish the North Carolina Racing Commission, with a favorable report.

On motion of Senator Royall, the bill is re-referred to the **Appropriations Committee.**

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 137 (House Committee Substitute), a bill to provide that an auction is not an "off-premises sale", and to make other amendments to the cancellation law, with a favorable report, as to concurrence.

H.B. 754, a bill to extend the coverage of the State Tort Claims Act to community colleges and technical colleges, with a favorable report.

H.B. 1296, a bill to provide that the register of deeds may amend an application for a marriage license and the return of an officiating officer at the marriage to reflect the name change of party to the marriage, with a favorable report.

H.B. 1160 (Committee Substitute), a bill regarding access to and maintenance of private graves, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1, No. 2 and No. 3 are adopted.

The Committee Substitute bill, as amended, is ordered re-referred to the **Finance Committee.**

RE-REFERRAL

S.B. 702, a bill to coordinate the various post-retirement benefits for law enforcement officers and to redistribute criminal court cost receipts for these purposes.

Without objection, on motion of Senator Hunt of Durham the bill is taken from the **Pensions and Retirement Committee** and re-referred to the **Appropriations Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 306, an act to provide for the purchase of withdrawn service under the Teacher's and State Employees' Retirement System and the Local Governmental Employees' Retirement System after the completion of five years of creditable service. (Ch. 533)

H.B. 333 (Senate Committee Substitute), an act to provide an additional procedures for merger of school administrative units. (Ch. 534)

H.B. 645, an act to define a "subdivision" for the purpose of subdivision regulations in Robeson County. (Ch. 535)

H.B. 1244 (Committee Substitute), an act to clarify the authority of the Department of Human Resources over the Camp Butner Reservation. (Ch. 536)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 107, a bill to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow.

S.B. 575, a bill to provide for cooperation between state, local and federal law enforcement agencies in special undercover operations, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

S.B. 631, a bill to amend the insurance provisions of the Amusement Device Safety Act, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 631** (House Committee Substitute) a bill to lower the liability insurance and inspection requirements for certain amusement devices.
Referred to **Insurance Committee**.

S.B. 648, a bill to modify the law regarding costs for appeal for trial *de novo*, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow.

S.B. 854, a bill to adjust the threshold under the conflictof interest statute, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, July 6.

ELECTION OF MEMBERS TO THE UNIVERSITY BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Senator Royall for the Select Committee on University Board of Governors of the Senate submits to the Senate the slate of nominees placed in Joint Session with the House of Representatives as follows:

AT-LARGE CATEGORY FOUR-YEAR TERM

(Senate Will Elect Three)
Irwin Boyle
Robert L. Jones
Clint Newton
W. Travis Porter
Joseph E. Thomas
John A. Williams, Jr.

MINORITY PARTY CATEGORY FOUR-YEAR TERM

(Senate Will Elect One)
James E. Holshouser, Jr.
Edwin W. Tenney, Jr.

The Chair announces the nominee, Mr. George Little, offered by the Committee withdraws his name from nomination. (See Appendix)

Pursuant to **S.R. 1554**, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the Chair outlines the procedure for voting. (See Appendix) The Chair directs Senators Royall, Harrington, and Walker to distribute the ballots, and the

Senate proceeds to vote. Pursuant to **S.R. 1554**, the ballots are duly tabulated and submitted to the President of the Senate, who announces the results as follows:

AT-LARGE CATEGORY FOUR-YEAR TERM

Robert L. Jones
W. Travis Porter
Joseph E. Thomas

MINORITY PARTY CATEGORY FOUR-YEAR TERM

James E. Holshouser, Jr.

The Chair declares Mr. Robert L. Jones, Mr. W. Travis Porter, Mr. Joseph E. Thomas, and Mr. James E. Holshouser, Jr., receiving a majority of the votes cast, duly elected to the University Board of Governors of the University of North Carolina and orders a message sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 198, a bill to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District, upon third reading.

Senator Ezzell offers Amendment No. 1 which is adopted (electronically recorded), held to be material, constituting the first reading of the bill, as amended, and the bill remains on the Calendar for tomorrow, upon second reading.

H.B. 797, a bill authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an Airport Authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said Airport Authority all powers set out in Chapter 63 of the General Statutes of North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 613, a bill to permit the City of Oxford to collect a motor vehicle tax of not more than ten dollars, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1, held to be material, is adopted, changing the title, upon concurrence, to read **H.B. 613**, a bill to permit the City of Oxford and the Town of Creedmoor to collect a motor vehicle tax of not more than ten dollars.

Adoption of Committee Amendment No. 1 constitutes the first reading of the bill. The bill, as amended, remains on the Calendar for tomorrow upon second reading.

H.B. 817 (Committee Substitute), a bill to authorize Lenoir County to levy a room occupancy and tourism development tax, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt

of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 869 (Senate Committee Substitute), a bill to allow the Bladen County Board of Commissioners to alter the manner of their election.

On motion of Senator Soles, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 7.

S.B. 760, a bill relating to the establishment and financing of self-insurance programs by cities and counties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 9 (Committee Substitute), a bill to conform the penalties for late payments of inheritance tax to those applicable to late payments of all other taxes.

Senator Rauch offers Amendment No. 1, held to be material, which is adopted (electronically recorded), constituting the first reading of the Committee Substitute bill, as amended. The bill, as amended, remains on the Calendar for Monday, July 6, upon second reading.

H.B. 25 (Committee Substitute), a bill to make the law concerning State privilege license taxes on gun dealers more equitable, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 42, a bill to increase the supervision fee for probation and parole, upon second reading.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, as amended, upon second reading.

Senator Block offers Amendment No. 3, held to be material, which is adopted, constituting the first reading of the Committee Substitute bill. The bill, as amended, remains on the Calendar for tomorrow upon second reading.

H.B. 421, a bill to revise maximum fees authorized for the North Carolina Board of Dental Examiners, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--42.

Voting in the negative: Senator Kincaid--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 478, a bill to clarify the gift tax effect of lapsed general powers of appointment, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 688, a bill to amend the pesticide law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 840 (Committee Substitute), a bill to improve programs for certifying wastewater treatment plant operators, upon second reading.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson,

Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1236, a bill to increase securities related fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 701, a bill to establish a septage management program in the Department of Human Resources, as amended.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 261, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 271 (Senate Committee Substitute), a bill to permit title insurance companies to insure the proper performance of real estate closing services.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Sherron to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 291 (Senate Committee Substitute), a bill to provide that certain preliminary hearings on license suspensions are not mandatory.

On motion of Senator Soles, the Senate Committee Substitute bill is recommitted to the **Judiciary IV Committee.**

H.B. 479, a bill to clarify that for recurring tax purposes there is a conclusive presumption that property involved in the prior transfer, or its equivalent value, is a part of the present decedent's estate.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 683 (Senate Committee Substitute), a bill to improve the solvency protection of health maintenance organizations.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 1030 (Senate Committee Substitute), a bill to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings.

Without objection, the Chair orders the Senate Committee Substitute bill placed on the Calendar for tomorrow for consideration.

H.B. 648 (Senate Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes, as amended, upon third reading.

Without objection, the Chair orders the Committee Substitute bill, as amended, placed on the Calendar for tomorrow for consideration.

S.B. 254, a bill to amend the law governing sanitation of institutions and day-care facilities, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 622

House of Representatives
July 2, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 622**, A BILL TO BE ENTITLED AN ACT TO PROVIDE OFFICIAL LICENSE PLATES FOR THE CLERKS OF SUPERIOR COURT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

WITHDRAWAL FROM CALENDAR

S.B. 701, a bill to establish a septage management program in the Department of Human Resources.

Without objection, on motion of Senator Rauch, the bill is taken from the Calendar for tomorrow and is placed on the Calendar for Tuesday, July 7.

INTRODUCTION OF BILLS AND RESOLUTIONS

On motion of Senator Rand, without objection, the following bill ordered held as filed in the Principal Clerks Office on May 27, is read the first time.

By Senator Rand:

S.B. 1299, a bill to remove reemployment earnings restrictions on retired disabled law enforcement officers and on retired University employees exempt from the State Personnel Act.

Referred to the **Pensions and Retirement Committee.**

REFERRAL TO COMMITTEE

H.B. 1166 (Committee Substitute), a bill to amend the law regarding food, drugs, and cosmetics.

Without objection, the following bill received as a message from the House of Representatives on June 11 and ordered held in the Office of the Principal Clerk pursuant to Rule 41(b) is read the first time and referred to the **Finance Committee.**

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars.

Without objection, the following bill received as a message from the House of Representatives on June 24 and ordered held in the Office of the Principal Clerk pursuant to Rule 41(b) is read the first time and referred to the **Transportation Committee.**

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED FOURTH DAY

SENATE CHAMBER,
Friday, July 3, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Guy, Simpson, Smith, and Soles, and to Senator Johnson of Cabarrus due to family health reasons.

On motion of Senator Richardson, the Senate recognizes the accomplishments of Senator McDuffie in the First National Senior Olympics. (See Appendix)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

S.J.R. 819, a joint resolution honoring the life and memory of Hargrove "Skipper" Bowles, with an unfavorable report as to joint resolution but favorable as to Committee Substitute joint resolution.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read, **S.J.R. 819** (Committee Substitute), a joint resolution honoring the life and memory of Hargrove (Skipper) Bowles, Jr., is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute joint resolution is adopted.

On motion of Senator Harrington, the Committee Substitute joint resolution is placed on the Calendar for Wednesday, July 8, as Special Order of Business No. 1.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 476, a bill to amend Chapter 44A, Article 3, to require prompt payment by bonding companies and to extend the filing time, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 476** (House Committee Substitute), a bill to amend Chapter 44A, Article 3, to extend the filing time under payment bonds, which is placed on the Calendar for Monday, July 6.

S.B. 569 (House Committee Substitute), a bill to amend law regarding setoff debt collection, for concurrence in the House Committee Substitute bill.
Referred to **Judiciary II Committee.**

S.B. 662, a bill to modify the provisions for leave time and workweeks of Occupational Education Teachers, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 662** (House Committee Substitute), a bill to modify the provisions for leave time of occupational education teachers.
Referred to **Education Committee.**

S.B. 783 (House Committee Substitute), a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina," for concurrence in the House Committee Substitute bill.
Referred to **Transportation Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 348, a bill to permit voters to report changes of address within the county by postcard, for concurrence in the House Committee Substitute bill with Amendments No. 1, No. 2, No. 3, No. 4, and No. 5 not engrossed, which changes the title, upon concurrence to read, **S.B. 348** (House Committee Substitute), a bill to permit voters to report changes of address within the county by postcard.

On motion of Senator Plyler, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 2, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has elected Mr. Dwight W. Quinn to fill the unexpired portion of the six-year term of Mr. T. Jerry Williams on the State Board of Community Colleges. (Term to expire June 30, 1991.)

Respectfully,
s/Grace A. Collins
Principal Clerk

House of Representatives
July 2, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body notifying you of the election by the House, pursuant to House Resolution 2155, of the following persons to the Board of Governors of the University of North Carolina:

At-Large Category

Charles D. Evans
Gus Tullos

Woman's Category

Betty McCain

Minority Race Category

Joy J. Johnson

Respectfully,
s/Grace A. Collins
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 817 (Committee Substitute), a bill to authorize Lenoir County to levy a room occupancy and tourism development tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Marvin, McDuffie, Parnell, Plyler, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--36.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 198, a bill to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 613, a bill to permit the City of Oxford and the Town of Creedmoor to collect a motor vehicle tax of not more than ten dollars, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--36.

Voting in the negative: Senator Royall--1.

The bill, as amended, remains on the Calendar for Monday, July 6, for further consideration upon third reading.

S.B. 760, a bill relating to the establishment and financing of self-insurance programs by cities and counties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 25 (Committee Substitute), a bill to make the law concerning State privilege license taxes on gun dealers more equitable, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 42, a bill to increase the supervision fee for probation and parole, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 421, a bill to revise maximum fees authorized for the North Carolina Board of Dental Examiners, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 478, a bill to clarify the gift tax effect of lapsed general powers of appointment, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 688, a bill to amend the pesticide law, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 840 (Committee Substitute), a bill to improve programs for certifying wastewater treatment plant operators, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1236, a bill to increase securities related fees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Royall, Sands, Seymour, Shaw, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1204 (Senate Committee Substitute), a bill to repeal the requirement that certain water and sewer authorities receive a certificate authorizing eminent domain before acquiring water rights, so as to recognize the special regional nature of those authorities, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, upon second reading.

On motion of Senator Walker, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 7.

RECONSIDERATION

H.B. 648 (Senate Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such.

Senator Sherron offers a motion that the vote by which the Senate Committee Substitute bill passes its third reading be reconsidered, which motion prevails.

The Senate Committee Substitute bill remains on the Calendar for today for further consideration upon third reading as the last order of business.

CALENDAR (Continued)

H.B. 548, a bill to provide that on general election ballots, names in multi-seat races are printed on the ballot within a political party in alphabetical order.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 754, a bill to extend the coverage of the State Tort Claims Act to community colleges and technical colleges.

Senator Barker requests to be excused from voting for the stated reason: "Member of Board of Trustees, Craven Community College."

On motion of Senator Johnson of Wake, consideration of the bill is postponed until Monday, July 6.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 537 (Committee Substitute), an act to require tax information on deeds before they may be recorded in Mitchell County. (Ch. 537)

H.B. 753 (Committee Substitute), an act to authorize Lee County to levy a room occupancy tax. (Ch. 538)

H.B. 763, an act to permit the Teachers' Retirement System and the Local Governmental Employees' Retirement System to obtain the addresses of members, beneficiaries and beneficiaries of deceased members from other State agencies, departments and institutions in order to notify them of benefit entitlements. (Ch. 539)

H.B. 1102 (Committee Substitute), an act regarding the contents of teachers' personnel files. (Ch. 540)

H.B. 1170, an act to provide that consent for the adoption of a child is ineffective under certain circumstances and to clarify that no consent is revocable after an interlocutory decree has been issued. (Ch. 541)

H.B. 1181, an act to authorize a magistrate to order removal from a dwelling found unfit for human habitation. (Ch. 542)

S.B. 254, an act to amend the law governing sanitation of institutions and day-care facilities. (Ch. 543)

H.B. 479, an act to clarify that for recurring tax purposes there is a conclusive presumption that property involved in the prior transfer, or its equivalent value, is a part of the present decedent's estate. (Ch. 544)

H.B. 797, an act authorizing the combined municipalities of Apex, Holly Springs and Fuquay-Varina to establish an Airport Authority for the purpose of acquiring lands, constructing and operating an airport and vesting in said Airport Authority all powers set out in Chapter 63 of the General Statutes of North Carolina. (Ch. 546)

S.B. 410, an act to authorize traffic lanes for rush hour traffic. (Ch. 547)

S.B. 337 (Committee Substitute), an act to provide a procedure for the registration of inheritance and estate tax waivers. (Ch. 548)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1120
(Senate Committee Substitute)

House of Representatives
July 2, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in **H.B. 1120** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPELLATE COURTS TO FIX THE VALUE OF LEGAL SERVICES PROVIDED TO INDIGENTS IN APPEALS BY THE APPELLATE DEFENDER AND TO IMPROVE THE PROCEDURES FOR THE COLLECTION OF JUDGMENTS, and requests conferees. The Speaker has appointed Representatives Blue, Hall, and Fitch on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Rand moves that the President appoint conferees, which motion prevails. The President appoints Senators Rand, Soles, and Kaplan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill is read the first time and disposed of as follows:

H.B. 1211 (Committee Substitute No. 2), a bill to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system.
Referred to **Transportation Committee.**

CALENDAR (Continued)

H.B. 985, a bill to remove the requirement that an absentee ballot be notarized and substitute a requirement that it be witnessed by at least two persons.
On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1030 (Senate Committee Substitute), a bill to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings.

On motion of Senator Johnson of Wake, consideration of the Senate Committee Substitute bill is postponed until Monday, July 6.

H.B. 1071, a bill to provide for standardization of criminal penalties for election law violations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1160 (Committee Substitute), a bill regarding access to and maintenance of private graves.

On motion of Senator Johnson of Wake, consideration of the Committee Substitute bill is postponed until Monday, July 6.

H.B. 1296, a bill to provide that the register of deeds may amend an application for a marriage license and the return of an officiating officer at the marriage to reflect the name change of party to the marriage.

On motion of Senator Johnson of Wake, consideration of the bill is postponed until Monday, July 6.

H.B. 261, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given, upon third reading.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Sands, further consideration of the bill, as amended, is postponed until Tuesday, July 7.

H.B. 271 (Senate Committee Substitute), a bill to permit title insurance companies to insure the proper performance of real estate closing services, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 683 (Senate Committee Substitute), a bill to improve the solvency protection of health maintenance organizations, upon third reading.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes, as amended.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

Senator Swain offers Amendment No. 3 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

S.B. 107, a bill to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Ezzell, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

RECONSIDERATION

H.B. 1057 (Committee Substitute), a bill to revise administrative penalties for violations by nursing homes and domiciliary care homes, as amended.

Senator Rand moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Rand offers Amendment No. 4 which is adopted (electronically recorded), and subsequently, Senator Rand moves that the vote by which Amendment No. 4 was adopted be reconsidered, which motion prevails.

Without objection, Senator Rand withdraws Amendment No. 4 and resubmits Amendment No. 4 as corrected.

Amendment No. 4 is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 4.

CALENDAR (Continued)

S.B. 137 (House Committee Substitute), a bill to provide that an auction is not an "off-premises sale", and to make other amendments to the cancellation law, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson of Wake, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 575, a bill to provide for cooperation between state, local and federal law enforcement agencies in special undercover operations, for concurrence in House Amendment No. 1.

On motion of Senator Thomas, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 648, a bill to modify the law regarding costs for appeal for trial *de novo*, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

H.B. 648 (Senate Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such, upon third reading.

On motion of Senator Taft, consideration of the Senate Committee Substitute bill is postponed until Wednesday, July 8.

RECONSIDERATION OF CONFERENCE REPORT

H.B. 622, a bill to provide official license plates for the clerks of superior court.

Senator Goldston offers a motion that the vote by which the Conference Report, submitted on July 1, and adopted July 2, be reconsidered.

The Chair orders the Conference Report recalled from the Enrolling Clerk.

With unanimous consent, Senator Goldston withdraws the Conference Report.

Without objection, Senator Goldston, for the Conferees previously appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 622**, a bill to provide official license plates for the clerks of superior court, submits the following Conference Report No. 2:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H.B. 622**, A BILL TO BE ENTITLED AN ACT TO PROVIDE OFFICIAL LICENSE PLATES FOR THE CLERKS OF SUPERIOR COURT, wish to report as follows:

The House concurs in Senate amendment #1 with the following amendments:

amend the bill on page 1, line 8 by adding the "plate" between the word, which, and the word, shall;

by deleting the words, 'Clerk of Court' at the end of line 8 on page 1 and inserting in that place the words 'Clerk Superior Court'.

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 3rd day of July, 1987.

s/W. D. Goldston	s/Gerald Anderson
s/Bill Barker	s/Ed Warren
s/Helen Marvin	s/Robert Hunter
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Goldston, the Conference Report No. 2 is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and that when they adopt Conference Report No. 2, they may order the bill enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

H.B. 960 (Committee Substitute), a bill to prohibit the misuse of confidential information by public officers and employees, with a favorable report.
On motion of Senator Barnes, the bill is placed on the Calendar for Wednesday, July 8.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 348, a bill to permit voters to report changes of address within the county by postcard. (Ch. 549)

On motion of Senator Harrington, seconded by Senator Goldston, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED FIFTH DAY

SENATE CHAMBER,
Monday, July 6, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, grant that all of us may know and understand what it is that we have just celebrated. May we continue to remember that a bitter fight was needed to gain our freedom. May we understand that freedom cannot be seen as the right to do as we please, but as an opportunity to do what is right. May we understand that our liberty is under God and our faith is something more than just a stamp on a coin. It is something that we express with our lives.

"Let us, as people of a great nation and great State, not be afraid to stand alone, if necessary, for the rights of people all over this earth.

"We pray for Your help in succeeding in these goals. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 954 (Senate Committee Substitute), an act to rewrite the laws relating to incompetence and guardianship. (Ch. 550)

S.B. 137 (House Committee Substitute), an act to provide that an auction is not an "off-premises sale", and to make other amendments to the cancellation law. (Ch. 551)

S.B. 648, an act to modify the law regarding costs for appeal for trial *de novo*. (Ch. 553)

H.B. 25 (Committee Substitute), an act to make the law concerning State privilege license taxes on gun dealers more equitable. (Ch. 554)

H.B. 421, an act to revise maximum fees authorized for the North Carolina Board of Dental Examiners. (Ch. 555)

H.B. 478, an act to clarify the gift tax effect of lapsed general powers of appointment. (Ch. 556)

H.B. 605 (Committee Substitute), an act to reform the franchise tax applicable to telecommunications companies. (Ch. 557)

H.B. 672, an act to conform certain fire tax district boundaries in Cabarrus, Rowan, and Stanly Counties to insurance district boundaries. (Ch. 558)

H.B. 688, an act to amend the pesticide law. (Ch. 559)

H.B. 792, an act to allow Robeson County to create fire districts. (Ch. 560)

H.B. 817 (Committee Substitute), an act to authorize Lenoir County to levy a room occupancy and tourism development tax. (Ch. 561)

H.B. 936, an act to provide a procedure for annexation of municipal property. (Ch. 562)

S.B. 107, an act to be known as the North Carolina Uniform Transfers to Minors Act as recommended by the General Statutes Commission. (Ch. 563)

H.B. 1006 (Senate Committee Substitute), an act to convert Community Colleges and Technical Institutes into Community Colleges. (Ch. 564)

H.B. 1071, an act to provide for standardization of criminal penalties for election law violations. (Ch. 565)

H.B. 1236, an act to increase securities related fees. (Ch. 566)

H.B. 955, an act to regulate dark-shaded windows in motor vehicles. (Ch. 567)

S.B. 113 (Committee Substitute), an act to provide a State income tax credit to employers who create jobs in severely distressed counties of the State. (Ch. 568)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee:**

H.B. 666 (Senate Committee Substitute), a bill to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases, with a favorable report, as amended.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 416 (House Committee Substitute), a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, for concurrence in the House Committee Substitute bill, held to be material. Receipt of the message from the House of Representatives constitutes the first reading of the bill, which is placed on the Calendar for tomorrow, upon second reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 198, a bill to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 613, a bill to permit the City of Oxford and the Town of Creedmoor to collect a motor vehicle tax of not more than ten dollars, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Conder, Daniel, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: Senator Royall--1.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 209 (Committee Substitute), a bill to authorize cities to designate historic districts as municipal service districts, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H.B. 9 (Committee Substitute), a bill to conform the penalties for late payments of inheritance tax to those applicable to late payments of all other taxes, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 628 (Senate Committee Substitute), a bill to amend G.S. 20-129.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 754, a bill to extend the coverage of the State Tort Claims Act to community colleges and technical colleges.

Without objection, Senator Barker is excused from voting.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

Senator Rand, Chairman of the **Base Budget Committee**, requests a fiscal note. The Chair orders the bill, as amended, placed on the Calendar for Wednesday, July 8, for receipt of the fiscal note.

H.B. 1008 (Senate Committee Substitute), a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting, and to provide a separate ballot for multi-seat races, except where mechanical voting machines are used.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Winner objects to the third reading of the Senate Committee Substitute bill and on motion of Senator Kaplan, the bill is placed on the Calendar for Monday, July 13, for further consideration.

H.B. 1030 (Senate Committee Substitute), a bill to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1160 (Committee Substitute), a bill regarding access to and maintenance of private graves.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 1296, a bill to provide that the register of deeds may amend an application for a marriage license and the return of an officiating officer at the marriage to reflect the name change of party to the marriage.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for tomorrow for further consideration.

H.B. 639, a bill to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders, upon third reading.

On motion of Senator Sherron, consideration of the bill is postponed until Wednesday, July 8.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 370, a bill to clarify the law that applies to the exemption of farm vehicles from the motor vehicle registration provisions, with a favorable report.

H.B. 503 (Senate Committee Substitute), a bill to provide for a single license system for insurance agents, brokers, and adjusters, with a favorable report.

H.B. 988, a bill to create a relief fund for rescue squad workers, with a favorable report.

H.B. 992, a bill to amend Chapter 159, the same being the Local Government Finance Act, to authorize general obligation bonds and notes to be made payable on

demand or tender and to bear variable interest rates, to permit a designee of the governing board of the issuing unit to approve the sale price of bonds, to make certain amendments in the procedure for the sale of bonds, and to permit the sale of bonds at less than the face amount thereof, with a favorable report.

H.B. 994, a bill to amend G.S. 159-65 of the Local Government Bond Act in connection with the issuance of bonds the interest on which is or may be includable in gross income for purposes of federal income tax, with a favorable report.

H.B. 995, a bill confirming the right of the State, the University of North Carolina and local governmental units and any agency or instrumentality thereof to issue bonds or other obligations the interest on which is or may be subject to federal income taxation, with a favorable report.

H.B. 996, a bill establishing the North Carolina Federal Tax Reform Allocation Committee in response to and in the management of Federal restrictions on private activity bonds and low-income housing tax credits, with a favorable report.

CALENDAR (Continued)

S.B. 476 (House Committee Substitute), a bill to amend Chapter 44A, Article 3, to extend the filing time under payment bonds, for concurrence in the House Committee Substitute bill.

On motion of Senator Guy, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 854, a bill to adjust the threshold under the conflict of interest statute, for concurrence in House Amendment No. 1.

On motion of Senator Daniel, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: William Bayard Bondshu, Fayetteville; Lucy Brown, Raleigh; William S. Brown, Henderson; James Draw Cox, King; Eric W. Ensley, Fayetteville; Berryman Jennings Fitzhugh, Raleigh; Dawn Elizabeth Fleming, Henderson; Amy M. Ford, Kings Mountain; Kim Marie Hall, Raleigh; Patrick Heinrich, Reidsville; Reid Neisler Hunnicutt, Gastonia; Robert Carl Kemp, Oxford; Vicki Lynn Liles, Raleigh; La Tonya Nichele McGhee, Oxford; Felicia Boriane Morton, Oxford; Dawn Renee Neighbors, Benson; Sarah Rebecca Preston, Raleigh; Todd Robertson, Raleigh; Phillip Rose, Raleigh; Shannon Seymour, Raleigh; Karen Yvette Smith, Raleigh; Brett Ronald Sondergard, Tarboro; Kimberly Stephenson, Knightdale; William Andre' Tarpley, Burlington; Andrea Dawn Tolson, Tarboro; Erin Tracy, Raleigh; Courtney Watson, Raleigh; and George C. Williams, Raleigh.

On motion of Senator Harrington, seconded by Senator Daniel, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED SIXTH DAY

SENATE CHAMBER,
Tuesday, July 7, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator McDuffie, who is attending a North Carolina State University function, to Senator Sherron, due to an illness, to Senator Taft, who is attending a meeting in Washington, D.C. with the Department of Human Resources to meet with a Congressional Delegation on North Carolina DTP legislation, and to Senator Thomas.

The President extends courtesies of the floor to Miss Lori Biggs, Miss North Carolina, and appoints Senators Marvin, Johnson of Cabarrus, Royall, and Somers to escort her to the Well of the Senate where she briefly addresses the membership.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1242 (Committee Substitute), a bill to amend the Local Government Finance Act in connection with the investment of local funds.
Referred to **Finance Committee.**

H.B. 1155 (Committee Substitute), a bill to create the Public School Building Capital Fund to assist county governments in meeting their public school building capital needs, to create the Critical School Facility Needs Fund to provide funds for counties that have the greatest critical school facility needs, to create a commission to determine the critical school facility needs of each county, to repeal the tax on inventories of manufacturers, retailers, and wholesalers, to reimburse local governments for the resulting revenue loss, to increase the corporate income tax, to require most employers to remit withholding taxes on a monthly basis, to repeal the retailers' discount for payment of sales and use taxes when due, and to earmark additional local sales and use tax proceeds for public school construction.
Referred to **Finance Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 83 (Committee Substitute), a bill to increase the civil penalty for failure to cancel instruments of indebtedness and deeds of trust and make other technical changes to G.S. 45-36.3, with a favorable report.

S.B. 569 (House Committee Substitute), a bill to amend law regarding setoff debt collection, with a favorable report, as to concurrence.

By Senator Soles for the **Judiciary IV Committee:**

H.B. 432, a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly or the Senate, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.
On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for tomorrow for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 869 (Senate Committee Substitute), a bill to allow the Bladen County Board of Commissioners to alter the manner of their election.

On motion of Senator Soles, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 14.

H.B. 9 (Committee Substitute), a bill to conform the penalties for late payments of inheritance tax to those applicable to late payments of all other taxes, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 503 (Senate Committee Substitute), a bill to provide for a single license system for insurance agents, brokers, and adjusters, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 988, a bill to create a relief fund for rescue squad workers, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration.

H.B. 992, a bill to amend Chapter 159, the same being the Local Government Finance Act, to authorize general obligation bonds and notes to be made payable on demand or tender and to bear variable interest rates, to permit a designee of the governing board of the issuing unit to approve the sale price of bonds, to make certain amendments in the procedure for the sale of bonds, and to permit the sale of bonds at less than the face amount thereof, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration.

H.B. 994, a bill to amend G.S. 159-65 of the Local Government Bond Act in connection with the issuance of bonds the interest on which is or may be includable in gross income for purposes of federal income tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration.

H.B. 995, a bill confirming the right of the State, the University of North Carolina and local governmental units and any agency or instrumentality thereof to issue bonds or other obligations the interest on which is or may be subject to federal income taxation, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration.

H.B. 996, a bill establishing the North Carolina Federal Tax Reform Allocation Committee in response to and in the management of Federal restrictions on private activity bonds and low-income housing tax credits, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, and Winner--40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration.

H.B. 1204 (Senate Committee Substitute), a bill to repeal the requirement that certain water and sewer authorities receive a certificate authorizing eminent domain before acquiring water rights, so as to recognize the special regional nature of those authorities, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, upon second reading.

On motion of Senator Sands, the Senate Committee Substitute bill is re-referred to the **Judiciary III Committee.**

H.B. 370, a bill to clarify the law that applies to the exemption of farm vehicles from the motor vehicle registration provisions, as amended.

Without objection, Senator Barnes is excused from voting.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 666 (Senate Committee Substitute), a bill to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases.

Senator Warren offers a motion that Committee Amendment No. 1 be adopted.

Senator Hipps offers a motion that the rules be suspended to allow the withdrawal of Committee Amendment No. 1, which motion prevails (electronically recorded).

Senator Warren for the **Education Committee** withdraws Committee Amendment No. 1.

On motion of Senator Warren Committee Amendment No. 2 is adopted.

Senator Hipps offers Amendment No. 3 which is adopted (electronically recorded).

The Senate committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 701, a bill to establish a septage management program in the Department of Human Resources, as amended, upon third reading.

Senator Rauch offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

H.B. 261, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given, as amended, upon third reading.

Senator Barnes moves that the vote by which Amendment No. 1, adopted July 3, be reconsidered, which motion prevails, without objection.

Without objection, Senator Barnes withdraws Amendment No. 1.

Senator Sands offers Amendment No. 2.

Without objection, on motion of Senator Harris, the bill, as amended, with Amendment No. 2 pending, is recommitted to the **Human Resources Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 575, an act to provide for cooperation between state, local and federal law enforcement agencies in special undercover operations. (Ch. 552)

S.B. 476 (House Committee Substitute), an act to amend Chapter 44A, Article 3, to extend the filing time under payment bonds. (Ch. 569)

S.B. 854, an act to adjust the threshold under the conflict of interest statute. (Ch. 570)

H.B. 200 (Committee Substitute), an act to amend Chapter 115C by adding Article 21A governing the confidentiality of personnel files of employees of local boards of education and to make other changes in employment practices. (Ch. 571)

H.B. 231 (Senate Committee Substitute), an act to mandate that local boards of education adopt policies regulating the use of corporal punishment in the public schools. (Ch. 572)

H.B. 298, an act designating the District Court as the proper division for trial of an alleged breach of a separation agreement. (Ch. 573)

CALENDAR (Continued)

H.B. 628 (Senate Committee Substitute), a bill to amend G.S. 20-129, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1160 (Committee Substitute), a bill regarding access to and maintenance of private graves, as amended, upon third reading.

On motion of Senator Staton, the Committee Substitute bill, as amended, is recommitted to the **Judiciary II Committee**.

H.B. 1296, a bill to provide that the register of deeds may amend an application for a marriage license and the return of an officiating officer at the marriage to reflect the name change of party to the marriage, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

S.B. 416 (House Committee Substitute), a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, upon second reading, for concurrence in the House Committee Substitute bill.

Senator Kaplan, moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail.

The President defers appointment of conferees and a message is ordered sent to the House of Representatives informing that Honorable body of such action and requesting conferees.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

H.B. 415, a bill amending Chapter 632 of the 1985 Session Laws relating to minority and women's business enterprise participation requirements, with a favorable report.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

By Senator Parnell for the **Insurance Committee**:

H.B. 166 (Committee Substitute), a bill to provide matching funds to reduce rural fire insurance rates, with a favorable report, as amended.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

On motion of Senator Plyler, the Committee Substitute bill, as amended, is rereferred to the **Finance Committee**.

WITHDRAWAL FROM CALENDAR

S.J.R. 819 (Committee Substitute), a joint resolution honoring the life and memory of Hargrove (Skipper) Bowles, Jr.

Without objection, on motion of Senator Harrington, the Committee Substitute joint resolution is taken from the Calendar for Wednesday, July 8, as Special Order of

Business No. 1, and recommitted to the Rules and Operation of the Senate Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 761
(Committee Substitute)

House of Representatives
July 7, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 761** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE 90-DAY FAILURE LAW AND MAKE A CHANGE IN THE LAW REGULATING INFRACTIONS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace Collins
Principal Clerk

H.B. 622

House of Representatives
July 7, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote by which Conference Report #1 on House Bill **622,** A BILL TO BE ENTITLED AN ACT TO PROVIDE OFFICIAL LICENSE PLATES FOR THE CLERKS OF SUPERIOR COURT, was adopted and has adopted Conference Report #2.

Similar action having been taken on the part of the Senate, the Speaker has ordered the bill enrolled.

Respectfully,
s/Grace A. Collins
Principal Clerk

CONFERENCE REPORT

H.B. 761 (Committee Substitute)

Senator Sands for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 761** (Committee Substitute), a bill to repeal the 90-day failure law and make a change in the law regulating infractions, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on A BILL TO BE ENTITLED AN ACT TO REPEAL THE 90-DAY FAILURE LAW AND MAKE A CHANGE IN THE LAW REGULATING INFRACTIONS, wish to report as follows: the House concurs in the Senate amendment, with an amendment as follows: in Senate Amendment #1, delete "the charge is lodged", and substitute "he failed to appear when the case was last called for trial or hearing"

The Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of July, 1987.

s/George Daniel	s/Robert C. Hunter
s/Alexander P. Sands III	s/Thomas C. Hardaway
s/Robert S. Swain	s/Judy Hunt
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and that they may order the Committee Substitute bill enrolled.

On motion of Senator Harrington, seconded by Senator Barker, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED SEVENTH DAY

SENATE CHAMBER,
Wednesday, July 8, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend J. Edward Morrison, Minister of Trinity United Methodist Church, Durham, as follows:

"Almighty God, we invoke Your presence upon this room and Your guidance and blessings upon this Senate this day. Guide with Your wisdom these whom we trust with the authority of our government so that they may discern in their decisions the differences between preferred shallow selfishness and moral courage, and secular complacency and social involvement. May the motives of this Body be pure, their counsel wise, and their actions strong. May the decisions made here this day make North Carolina known as a place of honor and sound judgment among her sister states. Endue us all with a zeal for justice and strength of forbearance, that we may use our liberty in accordance with Your gracious will. May we all serve You faithfully in our generation and honor Your Holy Name forever within our lives. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee**:

S.B. 662 (House Committee Substitute), a bill to modify the provisions for leave time of occupational education teachers, with a favorable report, as to concurrence.

By Senator Conder for the **Children and Youth Committee:**

H.B. 397, a bill to provide that a defendant convicted of child abuse pay for rehabilitative treatment for the victim, with a favorable report.

By Senator Rauch for the **Finance Committee:**

H.B. 1155 (Committee Substitute), a bill to create the Public School Building Capital Fund to assist county governments in meeting their public school building capital needs, to create the Critical School Facility Needs Fund to provide funds for counties that have the greatest critical school facility needs, to create a commission to determine the critical school facility needs of each county, to repeal the tax on inventories of manufacturers, retailers, and wholesalers, to reimburse local governments for the resulting revenue loss, to increase the corporate income tax, to require most employers to remit withholding taxes on a monthly basis, to repeal the retailers' discount for payment of sales and use taxes when due, and to earmark additional local sales and use tax proceeds for public school construction, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, upon second reading.

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 804 (Committee Substitute), a bill to clarify the property requirements for probate by affidavit of small testate estates, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

By Senator Harris for the **Human Resources Committee:**

H.B. 261, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given, with a favorable report.

H.B. 285 (Committee Substitute), a bill to require hospitals to establish protocols for organ procurement, with a favorable report, as amended.

On motion of Senator Harris, the Committee Substitute bill is re-referred to the **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 712 (Committee Substitute #2), a bill to provide for the Consolidated Government of Wilmington/New Hanover County, subject to a referendum.

Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill No. 2 held in the Principal Clerk's Office.

S.B. 172 (Committee Substitute), a bill to amend the Workers' Compensation Act, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 503 (Senate Committee Substitute), a bill to provide for a single license system for insurance agents, brokers, and adjusters, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Ward, Warren, and Winner--39.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 988, a bill to create a relief fund for rescue squad workers, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 992, a bill to amend Chapter 159, the same being the Local Government Finance Act, to authorize general obligation bonds and notes to be made payable on demand or tender and to bear variable interest rates, to permit a designee of the governing board of the issuing unit to approve the sale price of bonds, to make certain amendments in the procedure for the sale of bonds, and to permit the sale of bonds at less than the face amount thereof, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 622, an act to provide official license plates for the clerks of superior court. (Ch. 545)

H.B. 134 (Senate Committee Substitute), an act to provide for protection of the public from inactive hazardous substance or waste disposal sites and to establish the Carolina Clean Drinking Water Fund. (Ch. 574)

H.B. 415, an act amending Chapter 632 of the 1985 Session Laws relating to minority and women's business enterprise participation requirements. (Ch. 575)

H.B. 1296, an act to provide that the register of deeds may amend an application for a marriage license and the return of an officiating officer at the marriage to reflect the name change of party to the marriage. (Ch. 576)

CALENDAR (Continued)

H.B. 994, a bill to amend G.S. 159-65 of the Local Government Bond Act in connection with the issuance of bonds the interest on which is or may be includable in gross income for purposes of federal income tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 995, a bill confirming the right of the State, the University of North Carolina and local governmental units and any agency or instrumentality thereof to issue bonds or other obligations the interest on which is or may be subject to federal income taxation, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 996, a bill establishing the North Carolina Federal Tax Reform Allocation Committee in response to and in the management of Federal restrictions on private activity bonds and low-income housing tax credits, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 432, a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly or the Senate, upon second reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Johnson of Cabarrus offers Amendment No. 2 which is adopted (electronically recorded).

On motion of Senator Soles, the Senate Committee Substitute bill, as amended, is recommitted to the **Judiciary IV Committee**.

H.B. 83 (Committee Substitute), a bill to increase the civil penalty for failure to cancel instruments of indebtedness and deeds of trust and make other technical changes to G.S. 45-36.3.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow.

H.B. 754, a bill to extend the coverage of the State Tort Claims Act to community colleges and technical colleges, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 960 (Committee Substitute), a bill to prohibit the misuse of confidential information by public officers and employees, as amended.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2, and No. 3.

H.B. 639, a bill to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders, upon third reading.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 648 (Senate Committee Substitute), a bill to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such, upon third reading.

Senator Taft offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 569 (House Committee Substitute), a bill to amend law regarding setoff debt collection, for concurrence in the House Committee Substitute bill.

On motion of Senator Hunt of Moore, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

CONFERENCE REPORT

S.B. 48 (House Committee Substitute)

Senator Tally, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 48** (House Committee Substitute), a bill to prohibit shallow land burial of low-level radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 48 (House Committee Substitute 6/22/87, 4th Edition), A BILL TO BE ENTITLED AN ACT TO PROHIBIT

SHALLOW LAND BURIAL OF LOW-LEVEL RADIOACTIVE WASTE, TO REQUIRE THE USE OF ENGINEERED BARRIERS IN CONNECTION WITH THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, TO ESTABLISH REQUIREMENTS FOR ENGINEERED BARRIERS AND OTHER REQUIREMENTS APPLICABLE TO THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, AND TO AMEND CERTAIN DEFINITIONS IN THE RADIATION PROTECTION ACT, wish to report as follows: that the Senate concur with the House Committee Substitute with the following amendment:

On page 5, lines 1 through 7 by rewriting those lines to read:

"(i) In adopting rules specifying performance objectives, technical requirements, and design criteria and standards for a low-level radioactive waste disposal facility, the Commission shall consider the possibility of unforeseen differences between expected and actual performance of the facility. The Commission shall consider best available technology and costs.

(j) The Commission shall require that the bottom of a low-level radioactive waste disposal facility shall be at least seven feet above the seasonal high water table. The Commission shall require additional separation wherever necessary to adequately protect the public health and environment.'".

The House agree to the same.

And, to this end, we the said Conferees, recommend that the House of Representatives and the Senate adopt this Conference Report.

This the 8th day of July, 1987.

s/Bruce Etheridge	s/Lura Tally
s/Daniel DeVane	s/Charles Hipps
s/Foyle Hightower	s/Russell Walker
Conferees on the part of the House of Representatives	*Conferees on the part of the Senate*

Without objection, on motion of Senator Rauch, the Conference Report is placed on the Calendar for Tuesday, July 14, for adoption.

RECONSIDERATION

H.B. 503 (Senate Committee Substitute), a bill to provide for a single license system for insurance agents, brokers, and adjusters.

Senator Rauch moves that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the bill remains before the Senate for further consideration upon third reading.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

CONFERENCE REPORT

H.B. 727 (Senate Committee Substitute)

Senator Hipps, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 727** (Senate Committee Substitute), a bill to amend the Social Services Appeals Law, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 727, (3rd Edition), A BILL TO BE ENTITLED AN ACT TO AMEND THE SOCIAL SERVICES APPEALS LAW, wish to report as follows:

The House concurs in the Senate Committee Substitute and the House and the Senate agree to the following amendment:

on page 2, line 21, by rewriting that line to read:
"*applicant or recipient. Nothing in this subsection shall be construed to abrogate any rights that the county may have under Article 4 of Chapter 150B.*"

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of July, 1987.

s/Charles William Hipps	s/Daniel T. Blue, Jr.
s/Mary P. Seymour	s/Anne Craig Barnes
s/Robert Davis Warren	s/Roy A. Cooper III
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Hipps, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 416
(House Committee Substitute)

House of Representatives
July 8, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in **S.B. 416** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTINUING PARTICIPATION IN THE 1990 REDISTRICTING DATA PROGRAM OF THE U.S. BUREAU OF THE CENSUS, the Speaker has appointed as conferees on the part of the House, Representatives Beall, Hunter, and Fitch to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Pursuant to the motion offered by Senator Kaplan yesterday, the President appoints Senators Kaplan, Cobb, and Daniel as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED EIGHTH DAY

SENATE CHAMBER,
Thursday, July 9, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Samuel D. McMillan III, Minister of Pikeville Charge United Methodist Church, Pikeville, as follows:

"Eternal God, in Whom we live and move and have our being, we give praise to Thee who offers life to all things. We rejoice in being part of Thy Creation and offer Thee thanksgiving for all the blessings which are ours because of Thy divine grace.

"Omnipotent God, grant these Senators a renewed sense of Thy majesty and power. May these men and women discover their limits, Almighty God, even as they recognize the frailties that surround the human condition. O God of Compassion, grant these Senators the knowledge that in order to achieve peace we must work for justice, and give them the perseverance needed to enact legislation that reflects Thy will while also ministering to the needs of the children, youth, adults, and elderly persons in the State of North Carolina.

"Everlasting God, we stand in awe of the power and timelessness of Thy creative powers. Empower each of these Senators with Thy steadfast love and all-sufficient grace, directing these, Thy servants, so that their deliberations and decisions might be in the best interest of the people of this State and in accordance with Thy will. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Martin of Guilford, who is attending the Education Commission of the States Conference in Denver, and to Senator Richardson, due to family illness.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 318, an act to provide for the Statewide application of an act authorizing certain counties and the municipalities therein to undertake economic development activities. (Ch. 577)

S.B. 569 (House Committee Substitute), an act to amend law regarding setoff debt collection. (Ch. 578)

H.B. 42, an act to increase the supervision fee for probation and parole. (Ch. 579)

H.B. 548, an act to provide that on general election ballots, names in multi-seat races are printed on the ballot within a political party in alphabetical order. (Ch. 580)

H.B. 761 (Committee Substitute), an act to repeal the 90-day failure law and make a change in the law regulating infractions. (Ch. 581)

H.B. 840 (Committee Substitute), an act to improve programs for certifying wastewater treatment plant operators. (Ch. 582)

H.B. 985, an act to remove the requirement that an absentee ballot be notarized and substitute a requirement that it be witnessed by at least two persons. (Ch. 583)

H.B. 988, an act to create a relief fund for rescue squad workers. (Ch. 584)

H.B. 992, an act to amend Chapter 159, the same being the Local Government Finance Act, to authorize general obligation bonds and notes to be made payable on demand or tender and to bear variable interest rates, to permit a designee of the governing board of the issuing unit to approve the sale price of bonds, to make certain amendments in the procedure for the sale of bonds, and to permit the sale of bonds at less than the face amount thereof. (Ch. 585)

H.B. 994, an act to amend G.S. 159-65 of the Local Government Bond Act in connection with the issuance of bonds the interest on which is or may be includable in gross income for purposes of federal income tax. (Ch. 586)

H.B. 995, an act confirming the right of the State, the University of North Carolina and local governmental units and any agency or instrumentality thereof to issue bonds or other obligations the interest on which is or may be subject to federal income taxation. (Ch. 587)

H.B. 996, an act establishing the North Carolina Federal Tax Reform Allocation Committee in response to and in the management of Federal restrictions on private activity bonds and low-income housing tax credits. (Ch. 588)

H.B. 1099 (Senate Committee Substitute), an act to assure cooperation from appropriate parties in the verification of disposable income for child support withholding purposes and to make other changes in the income withholding statutes. (Ch. 589)

REFERRAL TO COMMITTEE

H.B. 712 (Committee Substitute No. 2), a bill to provide for the Consolidated Government of Wilmington/New Hanover County, subject to a referendum.

The Chair rules the Committee Substitute bill No. 2 ordered held in the Principal Clerk's Office, pursuant to Rule 41(b), on July 8, a finance measure, and orders the Committee Substitute bill No. 2 read the first time.

Referred to the **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 311 (House Committee Substitute), a bill to clarify the Fair Housing Act, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow.

S.B. 351 (House Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee**.

S.B. 409 (Committee Substitute), a bill to prohibit retroactive modification of child support arrears and to establish child support arrears as a judgment by operation of law as required by federal law, for concurrence in the House Committee Substitute bill

which changes the title upon concurrence to read, **S.B. 409** (House Committee Substitute), a bill to prohibit retroactive modification of past due child support payments and to give vested past due child support the judgment effect required by federal law consistent with due process of law and with existing requirements for the docketing of such judgments and to clarify when a domestic violence arrest may be made without a warrant.

Referred to **Judiciary IV Committee.**

S.B. 621 (House Committee Substitute), a bill to merge all of the school administrative units in Robeson County, subject to a referendum, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 727
(Senate Committee Substitute)

House of Representatives
July 8, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for House Committee Substitute For House Bill 727, A BILL TO BE ENTITLED AN ACT TO AMEND THE SOCIAL SERVICES APPEALS LAW, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace A. Collins
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 663 (Committee Substitute), a bill to provide qualified immunity from civil liability in defamation for members of nursing home advisory committees and domiciliary home advisory committees, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 663** (Senate Committee Substitute), a bill to provide qualified immunity from civil liability for libel for members of nursing home advisory committees and domiciliary home advisory committees, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 13, for further consideration.

H.B. 820 (Committee Substitute), a bill to provide that legal title to an artifact held by the Department of Cultural Resources Division of Archives and History passes to the Division of Archives and History if the owner of the artifact cannot be located or if ownership of the artifact is unknown, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 820** (Senate Committee Substitute), a bill to provide that legal title to an artifact held by the Department

of Cultural Resources Division of Archives and History passes to the Division of Archives and History if the owner of the artifact cannot be located or if ownership of the artifact is unknown, and to clarify the duties of the State Building Commission, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 15, for further consideration.

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

H.B. 593, a bill to more closely conform the requirements for the purchase of additional service credits in the Local Governmental Employees' Retirement System with the same requirements in the Teachers' and State Employees' Retirement System for military service, out-of-state service, and the restoration of withdrawn contributions, with a favorable report.

H.B. 604, a bill to amend an act to provide a Supplemental Retirement Fund for firemen in the Town of Tarboro and to modify the application of G.S. 118-5, 118-6, and 118-7 to the Town of Tarboro, with a favorable report.

H.B. 812, a bill to amend Chapter 321 of the Session Laws of 1969 relating to Supplemental Retirement Funds for firemen in the City of Burlington, with a favorable report.

H.B. 834, a bill to make certain insurance department employees eligible for death benefits while engaged in certain fire and rescue activities, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Appropriations Committee.**

H.B. 852, a bill to provide a contributory death benefit for retired members of the Teachers' and State Employees' Retirement System, the Legislative Retirement System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is re-referred to the **Appropriations Committee.**

By Senator Goldston for the **Transportation Committee:**

S.B. 783 (House Committee Substitute), a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina," with a favorable report, as to concurrence.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 10 (Committee Substitute), a bill to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Department of Human Resources, with a favorable report, as amended.

On motion of Senator Barnes, the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

H.B. 179 (Committee Substitute), a bill to require political advertising to be labeled accurately, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 13, for further consideration.

H.B. 1004, a bill to remove the beach bingo exclusion from the bingo regulation statute, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1004** (Senate Committee Substitute), a bill to regulate beach bingo, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 13, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 1155 (Committee Substitute), a bill to create the Public School Building Capital Fund to assist county governments in meeting their public school building capital needs, to create the Critical School Facility Needs Fund to provide funds for counties that have the greatest critical school facility needs, to create a commission to determine the critical school facility needs of each county, to repeal the tax on inventories of manufacturers, retailers, and wholesalers, to reimburse local governments for the resulting revenue loss, to increase the corporate income tax, to require most employers to remit withholding taxes on a monthly basis, to repeal the retailers' discount for payment of sales and use taxes when due, and to earmark additional local sales and use tax proceeds for public school construction, as amended, upon second reading.

Senator Bryan offers Amendment No. 2.

Senator Rand, seconded by Senator Swain, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails. Amendment No. 2 lies upon the table.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 8, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--39.

Voting in the negative: Senators Allran, Bryan, Cobb, Kincaid, McDuffie, Shaw, Simpson, and Smith--8.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 397, a bill to provide that a defendant convicted of child abuse pay for rehabilitative treatment for the victim.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

Senator Daniel offers Amendment No. 1, which he subsequently withdraws, without objection.

On motion of Senator Daniel, further consideration of the bill is postponed until tomorrow.

H.B. 804 (Senate Committee Substitute), a bill to clarify the property requirements for probate by affidavit of small testate estates.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 83 (Committee Substitute), a bill to increase the civil penalty for failure to cancel instruments of indebtedness and deeds of trust and make other technical changes to G.S. 45-36.3, upon third reading.

Senator Cobb offers Amendment No. 1 which is adopted (electronically recorded), changing the title upon concurrence to read, **H.B. 83** (Committee Substitute), a bill to increase the civil penalty for failure to cancel instruments of indebtedness and deeds of trust and make other technical changes to G.S. 45-36.3 and G.S. 47-46.1.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 261, a bill requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given, upon third reading, with Amendment No. 2 pending.

Without objection, Senator Sands withdraws Amendment No. 2.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

S.B. 172 (House Committee Substitute), a bill to amend the Workers' Compensation Act, for concurrence in the House Committee Substitute bill.

Senator Taft moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Martin of Pitt, Taft, Sands, Rauch, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 662 (House Committee Substitute), a bill to modify the provisions for leave time of occupational education teachers, for concurrence in the House Committee Substitute bill.

On motion of Senator Warren, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 48 House of Representatives
(House Committee Substitute) July 9, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 48** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SHALLOW LAND BURIAL OF LOW-LEVEL RADIOACTIVE WASTE, TO REQUIRE THE USE OF ENGINEERED BARRIERS IN CONNECTION WITH THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, TO ESTABLISH REQUIREMENTS FOR ENGINEERED BARRIERS AND OTHER REQUIREMENTS APPLICABLE TO THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, AND TO AMEND CERTAIN DEFINITIONS IN THE RADIATION PROTECTION ACT, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
s/Grace A. Collins
Principal Clerk

RE-REFERRAL

S.B. 236 (Committee Substitute No. 2), a bill to authorize the issuance of not to exceed one billion dollars in general obligation bonds to provide funds for infrastructure improvements, to create for the North Carolina Clean Water Loan Subsidy and Grant Program, and to provide new schools for North Carolina.

Without objection, on motion of Senator Plyler, the Committee Substitute bill No. 2 is taken from the **Appropriations Committee** and re-referred to the **Finance Committee.**

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED NINTH DAY

SENATE CHAMBER,
Friday, July 10, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Robert Dale, Professor of Pastoral Leadership and Church Ministries at the Southeastern Baptist Theological Seminary, Wake Forest, as follows:

"Lord, people have trusted us to lead. They expect us to make healthy and courageous decisions. But good decisions are usually tough to make. So help us, Lord.

"When we must make decisions under pressure, give us a sense of inner quiet.

"When we face decisions with contradictory facts, teach us to listen and learn before we act.

"When we must make decisions that leave us caught in the crossfire between constituent groups, lend us an extra measure of courage.

"When we face decisions that run counter to the best traditions of our State and region, protect us from trying to heed every new wind of opinion.

"When decisions seem cut-and-dried, open our eyes to the blindspots in our lives that let us ignore others and their interests.

"When we decide and choose the wrong option, forgive us.

"For guiding us while we decide, we thank You, Lord. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Richardson, due to illness in his family and to Senator Johnson of Cabarrus.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following resolution filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senators Swain, Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt

of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, Winner:

S.J.R. 1555, a joint resolution honoring the life and memory of Daniel Killian Moore, former Governor of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 330 (House Committee Substitute), a bill to authorize Gaston County to levy a room occupancy tax, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Monday, July 13.

S.B. 421, a bill to permit all cities to participate in downtown development projects, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, which is held to be material. Receipt of the message constitutes the first reading of the bill and the Chair orders the bill placed on the Calendar for Monday, July 13, upon second reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 604, a bill to amend an act to provide a Supplemental Retirement Fund for firemen in the Town of Tarboro and to modify the application of G.S. 118-5, 118-6, and 118-7 to the Town of Tarboro.

The bill passes its second and third readings and is ordered enrolled.

H.B. 812, a bill to amend Chapter 321 of the Session Laws of 1969 relating to Supplemental Retirement Funds for firemen in the City of Burlington.

The bill passes its second and third readings and is ordered enrolled.

S.B. 621 (House Committee Substitute), a bill to merge all of the school administrative units in Robeson County, subject to a referendum, for concurrence in the House Committee Substitute bill, upon second reading, which is held not to be material.

On motion of Senator Parnell, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

H.B. 1155 (Committee Substitute), a bill to create the Public School Building Capital Fund to assist county governments in meeting their public school building capital needs, to create the Critical School Facility Needs Fund to provide funds for counties that have the greatest critical school facility needs, to create a commission to determine the critical school facility needs of each county, to repeal the tax on inventories of manufacturers, retailers, and wholesalers, to reimburse local governments for the resulting revenue loss, to increase the corporate income tax, to require most employers to remit withholding taxes on a monthly basis, to repeal the retailers' discount for payment of sales and use taxes when due, and to earmark additional local sales and use tax proceeds for public school construction, as amended, upon third reading.

Senator Cobb offers Amendment No. 3.

Senator Rand, seconded by Senator Plyler, offers a motion that Amendment No. 3 do lie upon the table, which motion prevails. Amendment No. 3 lies upon the table.

Senator Rauch calls the previous question, seconded by Senator Harris. The call is sustained.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 7, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Sherron, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--36.

Voting in the negative: Senators Allran, Bryan, Cobb, McDuffie, Shaw, Simpson, Smith--7.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

On motion of Senator Daniel, consideration of the bill is postponed until Tuesday, July 14.

H.B. 593, a bill to more closely conform the requirements for the purchase of additional service credits in the Local Governmental Employees' Retirement System with the same requirements in the Teachers' and State Employees' Retirement System for military service, out-of-state service, and the restoration of withdrawn contributions.

The bill passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the bill remains on the Calendar for Monday, July 13, for further consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported, out of the regular order of business, from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 861, a bill to permit a taxpayer to file a late application for property tax exemption or exclusion for listed property, and to require a taxpayer whose property is appraised by the Department of Revenue to apply to the Department instead of the county assessor for exemption or exclusion of the property from taxation, with a favorable report.

H.B. 893 (Committee Substitute), a bill to authorize Johnston County to levy a room occupancy and tourism development tax, with a favorable report, as amended.

H.B. 1295 (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is re-referred the **Pensions and Retirement Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 172 House of Representatives
(House Committee Substitute) July 10, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in **S.B. 172** (HOUSE COMMITTEE SUBSTITUTE), A BILL TO BE ENTITLED AN ACT TO

AMEND THE WORKERS' COMPENSATION ACT, the Speaker has appointed as conferees on the part of the House, Representatives Blue, Chairman, Beall, and S. Thompson to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 294, an act to raise the level of expenditure on public building projects on which informal competitive bid procedures may be used. (Ch. 590)

S.B. 343 (Committee Substitute), an act to provide that a business shall make available information needed to locate an absent parent for the purpose of collecting child support. (Ch. 591)

S.B. 539, an act to provide for confidentiality of medical database information. (Ch. 592)

S.B. 616, an act to permit the City of Asheboro to dispose of certain real property by private negotiation and sale. (Ch. 593)

S.B. 634, an act to exempt the Town of Southern Pines from certain zoning notice requirements. (Ch. 594)

S.B. 662 (House Committee Substitute), an act to modify the provisions for leave time of occupational education teachers. (Ch. 595)

S.B. 841 (Committee Substitute), an act to adapt the Mental Health Admissions law to permit emergency admissions for persons needing immediate hospitalization. (Ch. 596)

H.B. 261, an act requiring approval for a sanitary landfill by the county or city where the landfill is to be located before approval of a permit by the Department of Human Resources can be given. (Ch. 597)

H.B. 397, an act to provide that a defendant convicted of child abuse pay for rehabilitative treatment for the victim. (Ch. 598)

H.B. 727 (Senate Committee Substitute), an act to amend the Social Services Appeals Law. (Ch. 599)

H.B. 1057 (Committee Substitute), an act to revise administrative penalties for violations by nursing homes and domiciliary care homes. (Ch. 600)

CALENDAR (Continued)

S.B. 311 (House Committee Substitute), a bill to clarify the Fair Housing Act, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson of Wake, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 783 (House Committee Substitute), a bill to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina," for concurrence in the House Committee Substitute bill.

On motion of Senator Warren, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Simpson, the Senate adjourns to meet Monday, July 13, at 7:00 P.M.

ONE HUNDRED TENTH DAY

SENATE CHAMBER,
Monday, July 13, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, as we live in our wonderful world, help us to see the beauty of things and the goodness of the people around us. Forgive us for taking our good things for granted and help us to develop a deeper appreciation for our beautiful surroundings and for the good people who work with us, as well as those we represent. Make us grateful for the good things we enjoy.

"When we are wrong, make us willing to change, and when we are right, make us easy to live with. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for tonight to Senator Basnight.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 198, an act to incorporate the Town of Taylortown, and provide for the simultaneous dissolution of the Taylortown Sanitary District. (Ch. 601)

S.B. 22, an act to repeal obsolete local acts concerning property taxes. (Ch. 602)

S.B. 311 (House Committee Substitute), an act to clarify the Fair Housing Act. (Ch. 603)

S.B. 473, an act to authorize Union County to adopt a unified land use ordinance, allow the Board of Adjustment to act by majority vote, authorize the Planning Board to issue permits, and require challenges to zoning amendments to be brought within sixty days. (Ch. 604)

S.B. 621 (House Committee Substitute), an act to merge all of the school administrative units in Robeson County, subject to a referendum. (Ch. 605)

S.B. 622, an act pertaining to the manner of qualifying areas for annexation by the City of Durham. (Ch. 606)

S.B. 783 (House Committee Substitute), an act to regulate titling of salvage vehicles and to amend Chapter 20 "Motor Vehicle Laws of North Carolina." (Ch. 607)

H.B. 370, an act to clarify the law that applies to the exemption of farm vehicles from the motor vehicle registration provisions. (Ch. 608)

H.B. 604, an act to amend an act to provide a Supplemental Retirement Fund for firemen in the Town of Tarboro and to modify the application of G.S. 118-5, 118-6, and 118-7 to the Town of Tarboro. (Ch. 609)

H.B. 613, an act to permit the City of Oxford and the Town of Creedmoor to collect a motor vehicle tax of not more than ten dollars. (Ch. 610)

H.B. 628 (Senate Committee Substitute), an act to amend G.S. 20-129. (Ch. 611)

H.B. 812, an act to amend Chapter 321 of the Session Laws of 1969 relating to Supplemental Retirement Funds for firemen in the City of Burlington. (Ch. 612)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 24, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions, and to make technical changes in the income tax statutes necessitated by the Tax Reform Act of 1986.
Referred to **Finance Committee.**

S.B. 817 (House Committee Substitute), a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction, for concurrence in the House Committee Substitute bill.
Referred to **State Government Committee.**

S.B. 870 (House Committee Substitute), a bill to reorganize the Marine Fisheries Commission, for concurrence in the House Committee Substitute bill.
Referred to **Natural and Economic Resources and Wildlife Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 172
(House Committee Substitute)

House of Representatives
July 13, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for **S.B. 172,** A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT, the Speaker has appointed as an additional conferee on the part of the House, Representative Nesbitt.

Respectfully,
s/Grace Collins
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee:**

H.B. 773 (Committee Substitute), a bill to prevent certain unfair methods of competition in the advertising and sale of insurance; to prevent the unauthorized use of

confidential information in insurance sales; and to require the fair representation of policy benefits in Medicare supplement policies, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 15, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 893 (Committee Substitute), a bill to authorize Johnston County to levy a room occupancy and tourism development tax, upon second reading.

On motion of Senator Rauch, consideration of the Committee Substitute bill is postponed until tomorrow.

S.B. 330 (House Committee Substitute), a bill to authorize Gaston County to levy a room occupancy tax, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Rauch, the Senate concurs in the House Committee Substitute, upon second reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Block, Bryan, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--35.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1004 (Senate Committee Substitute), a bill to regulate beach bingo, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 34, noes 3, as follows:

Voting in the affirmative: Senators Block, Bryan, Cobb, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--34.

Voting in the negative: Senators Barker, Shaw, and Somers--3.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 861, a bill to permit a taxpayer to file a late application for property tax exemption or exclusion for listed property, and to require a taxpayer whose property is appraised by the Department of Revenue to apply to the Department instead of the county assessor for exemption or exclusion of the property from taxation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 179 (Senate Committee Substitute), a bill to require political advertising to be labeled accurately.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Block objects to the third reading of the Senate Committee Substitute bill, as amended, which objection he subsequently withdraws.

Senator Swain objects to the third reading of the Senate Committee Substitute bill, as amended, and the bill remains on the Calendar for tomorrow for further consideration.

H.B. 663 (Senate Committee Substitute), a bill to provide qualified immunity from civil liability for libel for members of nursing home advisory committees and domiciliary home advisory committees.

Without objection, on motion of Senator Soles, consideration of the Senate Committee Substitute bill is postponed until Wednesday, July 15.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2157, a joint resolution honoring the life of C. B. Kane, who played an instrumental role in the Winston-Salem Rescue Squad from the time of its founding in 1937 until his recent death, and to recognize the week of October 18-24, 1987, Rescue Week.

Senator Kaplan offers a motion that the rules be suspended to the end that the joint resolution be placed before the Senate for immediate consideration.

Senator Royall rises to a point of order as to the eligibility of the joint resolution under Rule 40(c). The Chair sustains the point of order and refers the joint resolution to the **Rules and Operation of the Senate Committee.**

CALENDAR (Continued)

H.B. 593, a bill to more closely conform the requirements for the purchase of additional service credits in the Local Governmental Employees' Retirement System with the same requirements in the Teachers' and State Employees' Retirement System for military service, out-of-state service, and the restoration of withdrawn contributions, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

H.B. 1008 (Senate Committee Substitute), a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting, and to provide a separate ballot for multi-seat races, except where mechanical voting machines are used, upon third reading.

Senator Kaplan offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 421, a bill to permit all cities to participate in downtown development projects, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, upon second reading.

On motion of Senator Staton, the Senate concurs in House Amendments No. 1, No. 2, No. 3, and No. 4, upon second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

The President recognizes the following pages serving in the Senate this week: Wesley Lee Adams, Statesville; David S. Allred, Raleigh; Keshia Nicole Best, Newton Grove; Samuel Keith Bond, Selma; Emily Carol Bost, Pinehurst; Michael Reed Burchell, Providence; Ben Clifton, Raleigh; Beth Cochrane, Raleigh; Monica Cooke, Hildebran; Michelle Cooper, Oxford; Stacie Deaton, Swansboro; David Elinoff, Chapel Hill; William Farrell, Sanford; John Kevin Finch, Raleigh; Harold Gilbert, Jr., Hendersonville; Christopher R. Houck, Boone; Lyda Meredith Howard, Fayetteville; Page Jackson, Dudley; Michelle Jones, Raleigh; Laura B. Malcolm, Charlotte; Travis Elgin Mitchell, Raleigh; Louis J. Murray III, Raleigh; Rebecca Potter, Fayetteville; Tracy Elizabeth Salter, Pink Hill; Marcus S. Spencer, Southport; Susan Ann Taylor, Charlotte; Christy Bedsworth Thompson, Atlantic Beach; Charles P. Wilkins, Jr., Raleigh; Gray Cowper Williams, Raleigh; and Larry Gregory Williams, Benson.

On motion of Senator Harrington, seconded by Senator Allran, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED ELEVENTH DAY

SENATE CHAMBER,
Tuesday, July 14, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Douglas Jessee, Minister of North Raleigh United Methodist Church, Raleigh.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 1160 (Committee Substitute), a bill regarding access to and maintenance of private graves, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 16, for further consideration.

By Senator Swain for the **Judiciary III Committee:**

H.B. 1138, a bill to amend the law regarding small claims actions, with a favorable report.

By Senator Barnes for the **Judiciary I Committee:**

H.B. 541, a bill to eliminate the death penalty for persons seventeen years of age or younger, with a favorable report, as amended.

H.B. 100 (Committee Substitute), a bill to make certain changes in the distributive award of vested pension and retirement benefits, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 16, for further consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 455 (House Committee Substitute), a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, for concurrence in the House Committee Substitute bill.

Referred to **Local Government and Regional Affairs II Committee.**

S.B. 585 (House Committee Substitute), a bill to make certain changes in mental health, mental retardation, and substance confidentiality laws, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 48 (House Committee Substitute), a bill to prohibit shallow land burial of low-level radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act, Conference Report for adoption.

On motion of Senator Rand, consideration of the Conference Report submitted Wednesday, July 8, is postponed until Thursday, July 16.

H.B. 893 (Committee Substitute), a bill to authorize Johnston County to levy a room occupancy and tourism development tax, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 869 (Senate Committee Substitute), a bill to allow the Bladen County Board of Commissioners to alter the manner of their election.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 330 (House Committee Substitute), a bill to authorize Gaston County to levy a room occupancy tax, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Rauch, the Senate concurs in the House Committee Substitute bill, upon third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 1004 (Senate Committee Substitute), a bill to regulate beach bingo, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senators Barker, Shaw, and Smith--3.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 457, a bill to allow for recounts in primaries and elections where the margin is one percent or less.

Senator Daniel offers Amendment No. 2 which is adopted (electronically recorded).

Senator Bryan offers Amendment No. 3, changing the title upon concurrence to read, **H.B. 457**, a bill to allow for recounts in primaries and elections where the margin is one-half percent or less, which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

H.B. 179 (Senate Committee Substitute), a bill to require political advertising to be labeled accurately, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 421, a bill to permit all cities to participate in downtown development projects, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, upon third reading.

On motion of Senator Staton, the Senate concurs in House Amendments No. 1, No. 2, No. 3, and No. 4, upon third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.
The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 370, an act to amend certain Rules of Civil Procedure. (Ch. 613)

S.B. 525, an act to provide a supplemental retirement fund for firemen in the Town of Selma and to modify the application of G.S. 118-5, G.S. 118-6, and G.S. 118-7 to the Town of Selma. (Ch. 614)

H.B. 9 (Committee Substitute), an act to conform the penalties for late payments of inheritance tax to those applicable to late payments of all other taxes. (Ch. 615)

H.B. 960 (Committee Substitute), an act to prohibit the misuse of confidential information by public officers and employees. (Ch. 616)

H.B. 593, an act to more closely conform the requirements for the purchase of additional service credits in the Local Governmental Employees' Retirement System with the same requirements in the Teachers' and State Employees' Retirement System for military service, out-of-state service, and the restoration of withdrawn contributions. (Ch. 617)

On motion of Senator Harrington, seconded by Senator Kincaid, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWELFTH DAY

SENATE CHAMBER,
Wednesday, July 15, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Sidney H. Huggins III, Minister of the Hay Street United Methodist Church, Fayetteville, as follows:

"Blessed Heavenly Father of us all, we pray for these persons chosen to represent our State's citizens. Thank You for the considerable energies and expertise they bring to their tasks. Grant them wisdom as they grapple with the complex problems and occasional unique opportunities woven into our common life. Guide them with the larger vision of what strengthens our society as a whole. Allow their commitment to that vision to make them magnanimous in legislative victories and to take some of the sting out of legislative defeats. As they stretch for adjournment, grant them courage, persistence and a renewed sense of humor. Stand especially close, O Lord, to those who are coping with pain or heavy burdens in their personal lives while also trying to attend to the affairs of the State.

"May a keen awareness of Your divine presence and blessing come like the refreshing of a cool breeze. Grant this, we pray, for their sake, for the benefit of our State, and to the end that our life together will be enhanced for all. Through Jesus Christ our Lord. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his

motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 330 (House Committee Substitute), an act to authorize Gaston County to levy a room occupancy tax. (Ch. 618)

S.B. 421, an act to permit all cities to participate in downtown development projects. (Ch. 619)

S.B. 506, an act to make various changes in the law relating to registers of deeds. (Ch. 620)

H.B. 209 (Committee Substitute), an act to authorize cities to designate historic districts as municipal service districts. (Ch. 621)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

S.J.R. 1555, a joint resolution honoring the life and memory of Daniel Killian Moore, former Governor of North Carolina, with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for tomorrow, as Special Order of Business No. 1.

By Senator Parnell for the **Insurance Committee**:

S.B. 631 (House Committee Substitute), a bill to lower the liability insurance and inspection requirements for certain amusement devices, with a favorable report, as to concurrence.

By Senator Barnes for the **Judiciary I Committee**:

H.B. 609 (Senate Committee Substitute), a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission and to clarify Chapter 105 of the 1987 Session Laws, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill No. 2, which changes the title upon concurrence to read, **H.B. 609** (Senate Committee Substitute No. 2), a bill to make various amendments to the General Statutes and to clarify Chapter 105 of the 1987 Session Laws, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Friday, July 17, for further consideration.

By Senator Harris for the **Human Resources Committee**:

S.B. 351 (House Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina

Commission for Health Services under the supervision of the North Carolina Department of Human Resources, with a favorable report, as to concurrence.

S.B. 585 (House Committee Substitute), a bill to make certain changes in mental health, mental retardation, and substance confidentiality laws, with an unfavorable report, as to concurrence.

On motion of Senator Harris, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Harris moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motion prevails. The President appoints Senators Martin of Guilford, Walker, and Harris as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 1065, a bill to provide first available bed priority for nursing home patients temporarily absent from a nursing facility due to hospital stay, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Harris, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 17, for further consideration.

By Senator Thomas, Vice-Chairman, for the **Finance Committee:**

H.B. 712 (Committee Substitute No. 2), a bill to provide for the Consolidated Government of Wilmington/New Hanover County, subject to a referendum, with a favorable report.

H.B. 715, a bill to make technical changes to the rules relating to cancellation and restoration of corporate charters, with a favorable report.

H.B. 819, a bill to revise maximum fees authorized for the North Carolina State Board of Examiners in Optometry, with a favorable report.

H.B. 94 (Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, with a favorable report, as amended.

H.B. 477, a bill to amend the Licensure Act for speech and language pathologists and audiologists, with a favorable report, as amended.

H.B. 772, a bill to impose fees for withdrawing from or rejoining the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report, as amended.

S.B. 212, a bill to clarify the exemption of certain homes for the aged, sick, or infirm from property taxation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 212** (Committee Substitute), a bill to authorize the City of Greensboro to levy an admissions tax, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill, held to be material, is adopted, constituting the first reading of the bill.

On motion of Senator Thomas, the Committee Substitute bill is placed on the Calendar for Friday, July 17, for further consideration, upon second reading.

S.B. 875, a bill to encourage waterfowl habitat conservation on private lands by authorizing the Wildlife Resources Commission to license approved habitat projects and by granting a tax deduction for the landowner's expenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Thomas, the Committee Substitute bill is placed on the Calendar for Friday, July 17, for further consideration.

S.B. 944, a bill to add sales tax on the sale of spirituous liquor, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Thomas, the Committee Substitute bill is placed on the Calendar for Thursday, July 16, for further consideration.

H.B. 744 (Committee Substitute), a bill to establish the Lake Wylie Marine Commission, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Thomas, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 17, for further consideration.

H.B. 895, a bill to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas, the rules are suspended and the Senate Committee Substitute bill, which changes the title upon concurrence to read, **H.B. 895** (Senate Committee Substitute), a bill to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes, and to allow annexation to a rural fire protection district of areas within the corporate limits of a municipality, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill, held to be material, is adopted, constituting the first reading of the bill.

On motion of Senator Thomas, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 17, for further consideration, upon second reading.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 288 (House Committee Substitute), a bill to allow the Secretary of the Department of Human Resources to provide assistance to private nonprofit foundations, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow.

S.B. 709 (Committee Substitute), a bill making it illegal to harass people taking wildlife or fisheries resources, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow.

S.B. 748, a bill to make appeals from the Division of Motor Vehicles license actions lie in District Court, for concurrence in the House Committee Substitute bill which changes the title upon concurrence to read, **S.B. 748** (House Committee Substitute), a bill to provide that a district court judge has limited jurisdiction to enter a temporary restraining order prohibiting the suspension, cancellation, or revocation of a driver's license in conjunction with appeals from the Division of Motor Vehicles license actions.

Referred to **Judiciary II Committee**.

S.B. 752 (Committee Substitute), a bill to provide that foreign sales corporations shall be exempt from state income tax to the same extent as they are exempt from federal income tax, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 893 (Committee Substitute), a bill to authorize Johnston County to levy a room occupancy and tourism development tax, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 541, a bill to eliminate the death penalty for persons seventeen years of age or younger.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

Senator Royall offers Amendment No. 2 which is adopted (electronically recorded), changing the title upon concurrence to read, **H.B. 541**, a bill to eliminate the death penalty for persons under the age of eighteen.

Senator Somers offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded)

On objection of Senator Harris to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 663 (Senate Committee Substitute), a bill to provide qualified immunity from civil liability for libel for members of nursing home advisory committees and domiciliary home advisory committees.

Senator Block offers Amendment No. 1 which is adopted (electronically recorded).

Senator Sands offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 773 (Senate Committee Substitute), a bill to prevent certain unfair methods of competition in the advertising and sale of insurance; to prevent the unauthorized use

of confidential information in insurance sales; and to require the fair representation of policy benefits in Medicare supplement policies.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 820 (Senate Committee Substitute), a bill to provide that legal title to an artifact held by the Department of Cultural Resources Division of Archives and History passes to the Division of Archives and History if the owner of the artifact cannot be located or if ownership of the artifact is unknown, and to clarify the duties of the State Building Commission.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

Senator Taft requests to be recorded voting "aye" on the third reading of the Senate Committee Substitute bill.

H.B. 1138, a bill to amend the law regarding small claims actions, with Amendment No. 1 pending.

Without objection, Senator Allran withdraws Amendment No. 1.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1270

House of Representatives
July 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to H.B. No. 1270, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL REASSIGNMENT HEARINGS, and requests conferees. The Speaker has appointed Representatives Blue, Barnes, Cooper, Hardaway, and Hege on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Warren moves that the President appoint conferees, which motion prevails. The President appoints Senators Warren, Winner, Staton, Hunt of Moore, and Ward as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Bryan, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED THIRTEENTH DAY

SENATE CHAMBER,
Thursday, July 16, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator From Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Johnson of Cabarrus, whose attendance is required in court.

The President extends courtesies of the gallery to Mrs. Daniel K. Moore, former First Lady of the State of North Carolina and widow of the late Governor Daniel K. Moore, and members of his family. Courtesies of the gallery are also extended to those members of the Supreme Court of North Carolina accompanying Mrs. Moore, as follows: The Honorable James G. Exum, Chief Justice; The Honorable William H. Bobbit, former Chief Justice; The Honorable Susie M. Sharp, former Chief Justice; The Honorable Joseph Branch, former Chief Justice; and The Honorable Henry E. Frye, Associate Justice.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee**:

S.B. 409 (House Committee Substitute), a bill to prohibit retroactive modification of past due child support payments and to give vested past due child support the judgment effect required by federal law consistent with due process of law and with existing requirements for the docketing of such judgments and to clarify when a domestic violence arrest may be made without a warrant, with an unfavorable report, as to concurrence.

On motion of Senator Soles, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Soles moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Soles, Marvin, and Simpson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 291 (Senate Committee Substitute), a bill to provide that certain preliminary hearings on license suspensions are not mandatory, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Friday, July 17, for further consideration.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

S.B. 870 (House Committee Substitute), a bill to reorganize the Marine Fisheries Commission, with a favorable report, as to concurrence.

By Senator Hunt of Durham for the **Pensions and Retirement Committee:**

S.B. 1299, a bill to remove reemployment earnings restrictions on retired disabled law enforcement officers and on retired University employees exempt from the State Personnel Act, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Appropriations Committee.**

S.B. 1519, a bill to provide that service for district court judges' longevity credit includes service as assistant district attorney, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Appropriations Committee.**

H.B. 1295 (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes, with a favorable report, as amended.

On motion of Senator Hunt of Durham, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 2, deleting page 2 of Amendment No. 1 is adopted.

On motion of Senator Hunt of Durham, the bill, as amended, is placed on the Calendar for tomorrow, for further consideration.

By Senator Guy for the **State Government Committee:**

S.B. 817 (House Committee Substitute), a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction, with a favorable report, as to concurrence.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 405, a bill to exempt county-owned vehicles used primarily for transportation of clients of local health departments, county departments of social services or area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 405** (House Committee Substitute), a bill to exempt county-owned vehicles used for transportation of clients of area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked.

Referred to **Transportation Committee.**

S.B. 466, a bill to extend the sunset provision in the Risk Sharing Plan Act of 1986, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 466** (House Committee Substitute), a bill to repeal the sunset provision in the Risk Sharing Plan Act of 1986.

Referred to **Insurance Committee.**

S.B. 597, a bill to expand the definition of offenses involving impaired driving, for concurrence in House Amendment No. 1.

Referred to **Judiciary III Committee.**

S.B. 829, a bill to create the offense of "trafficking in Lysergic Acid Diethylamide", for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 829** (House Committee Substitute), a bill to create the offense of "trafficking in Lysergic Acid Diethylamide" and to clarify the penalty for drug trafficking.

The House Committee Substitute bill is placed on the Calendar for tomorrow, for concurrence.

S.B. 862 (Committee Substitute), a bill to provide reasonable regulation of preferred provider contracts for health services, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 585
(House Committee Substitute)

House of Representatives
July 15, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to Senate bill No. 585, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES IN MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE CONFIDENTIALITY LAWS, the Speaker has appointed as conferees on the part of the House, Representatives J. W. Crawford, Barnes, and B. Brown to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 96, an act to make the evidence of the usage of seat belts inadmissible in criminal or civil proceedings. (Ch. 623)

S.B. 679, an act to change the timing provision for entry of appeal when a motion for appropriate relief has been filed. (Ch. 624)

H.B. 271 (Senate Committee Substitute), an act to permit title insurance companies to insure the proper performance of real estate closing services. (Ch. 625)

H.B. 1030 (Senate Committee Substitute), an act to clarify the authority of sheriffs to serve orders of possession in judicial sale, execution sale and foreclosure sale proceedings. (Ch. 627)

H.B. 1138, an act to amend the law regarding small claims actions. (Ch. 628)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S.J.R. 1555

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being,

S.J.R. 1555, a joint resolution honoring the life and memory of Daniel Killian Moore, former Governor of North Carolina.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The joint resolution, as amended, passes its second (electronically recorded) and third reading with members standing, and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 48 (House Committee Substitute), a bill to prohibit shallow land burial of low-level radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act, Conference Report, for adoption.

On motion of Senator Tally, the Conference Report submitted July 8, is adopted (electronically recorded) and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 712 (Committee Substitute No. 2), a bill to provide for the Consolidated Government of Wilmington/New Hanover County, subject to a referendum, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 944 (Committee Substitute), a bill to add sales tax on the sale of spirituous liquor, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: Senator Cobb--1.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 94 (Senate Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, upon second reading.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

Senator Kaplan offers Amendment No. 2 which is adopted (electronically recorded).

On motion of Senator Plyler, the Senate Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee**.

H.B. 477, a bill to amend the Licensure Act for speech and language pathologists and audiologists, upon second reading.

On motion of Senator Thomas, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 715, a bill to make technical changes to the rules relating to cancellation and restoration of corporate charters, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 772, a bill to impose fees for withdrawing from or rejoining the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, upon second reading.

On motion of Senator Thomas, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: Senator Somers--1.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 819, a bill to revise maximum fees authorized for the North Carolina State Board of Examiners in Optometry, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: Senator Smith--1.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 1155 (Committee Substitute), an act to create the Public School Building Capital Fund to assist county governments in meeting their public school building capital needs, to create the Critical School Facility Needs Fund to provide funds for counties that have the greatest critical school facility needs, to create a commission to determine the critical school facility needs of each county, to repeal the tax on inventories of manufacturers, retailers, and wholesalers, to reimburse local governments for the resulting revenue loss, to increase the corporate income tax, to require most employers to remit withholding taxes on a monthly basis, to repeal the retailers' discount for payment of sales and use taxes when due, and to earmark additional local sales and use tax proceeds for public school construction. (Ch. 622)

CALENDAR (Continued)

H.B. 100 (Senate Committee Substitute), a bill to make certain changes in the distributive award of vested pension and retirement benefits.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Sands objects to the third reading, and on his motion the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 21, for further consideration.

H.B. 1160 (Senate Committee Substitute), a bill regarding access to and maintenance of private graves.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 541, a bill to eliminate the death penalty for persons seventeen years of age or younger, as amended, upon third reading.

Senator Winner offers Amendment No. 4, amending Amendment No. 2.

The Chair rules Amendment No. 4 out of order and advises the Senate that the proper motion is reconsideration.

Senator Winner consequently withdraws Amendment No. 4 and offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered.

Senator Sands rises to a point of order as to the reconsideration of the passage of the bill upon second reading prior to the reconsideration of the adoption of Amendment No. 2.

The Chair sustains the point of order and rules the motion offered by Senator Winner to reconsider the vote by which Amendment No. 2 was adopted out of order.

Senator Soles offers a motion that the bill, as amended, be placed on the Calendar for Wednesday, July 22.

Senator Thomas offers a substitute motion that the bill, as amended, be recommitted to the **Judiciary I Committee**, which motion the Chair rules out of order.

Senator Soles, seconded by Senator Swain, calls the previous question. The call is sustained.

The motion offered by Senator Soles that the bill, as amended, be placed on the Calendar for Wednesday, July 22, prevails (electronically recorded).

The Chair orders the bill, as amended, placed on the Calendar for Wednesday, July 22, for further consideration upon third reading.

H.B. 663 (Senate Committee Substitute), a bill to provide qualified immunity from civil liability for libel for members of nursing home advisory committees and domiciliary home advisory committees, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 773 (Senate Committee Substitute), a bill to prevent certain unfair methods of competition in the advertising and sale of insurance; to prevent the unauthorized use of confidential information in insurance sales, and to require the fair representation of policy benefits in Medicare supplement policies, as amended, upon third reading.

Senator Johnson of Wake offers Amendment No. 2 which is adopted (electronically recorded), changing the title upon concurrence to read, **H.B. 773** (Senate Committee Substitute), a bill to prevent certain unfair methods of competition in the advertising and sale of insurance; and to require the fair representation of policy benefits in Medicare supplement policies.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 288 (House Committee Substitute), a bill to allow the Secretary of the Department of Human Resources to provide assistance to private nonprofit foundations, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 351 (House Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, consideration of the House Committee Substitute bill is postponed until Tuesday, July 21.

S.B. 631 (House Committee Substitute), a bill to lower the liability insurance and inspection requirements for certain amusement devices, for concurrence in the House Committee Substitute bill.

On motion of Senator Parnell, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S.B. 709 (Committee Substitute), a bill making it illegal to harass people taking wildlife or fisheries resources, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Hardison, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S.B. 752 (Committee Substitute), a bill to provide that foreign sales corporations shall be exempt from state income tax to the same extent as they are exempt from federal income tax, for concurrence in House Amendments No. 1. and No. 2.

On motion of Senator Block, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 804 House of Representatives
(Senate Committee Substitute) July 16, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for House Committee Substitute for H. B. 804, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROPERTY REQUIREMENTS FOR PROBATE BY AFFIDAVIT OF SMALL TESTATE ESTATES and requests conferees. The Speaker has appointed Representatives Hackney, Kerr, and Chalk on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Johnson of Wake moves that the President appoint conferees, which motion prevails. The President appoints Senators Johnson of Wake, Cobb, and Staton as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

S.B. 455 (House Committee Substitute), a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, with a favorable report as to concurrence.

On motion of Senator Harrington, seconded by Senator Shaw, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED FOURTEENTH DAY

SENATE CHAMBER,
Friday, July 17, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Father in Heaven, we thank You for a beautiful place to live, for good weather, good friends, good health, and all the other good things that we take for granted.

"We thank You for the challenges of this hour, for work to do and decisions to make that demand the best in each of us. We still are often inadequate for the task.

"We seek Your help as we attempt to make decisions, and it is our hope that with Your guidance that we can make the right ones for the people we serve.

"In Thy Name, we ask for this help. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 101 (House Committee Substitute), a bill to amend the Business Corporation Act to permit corporations to limit or eliminate the liability of directors for monetary damages for certain breaches of duty, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Tuesday, July 21.

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, July 20.

S.B. 512 (House Committee Substitute), a bill to provide for the registration and regulation of third party administrators, for concurrence in the House Committee Substitute bill.
Referred to **Insurance Committee.**

S.B. 524, a bill to more explicitly authorize true-ups of prudently incurred fuel costs in electric utility ratemaking, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 524** (House Committee Substitute), a bill to provide adjustments to costs in electric utility ratemaking and to study the question of continuing the authority for true-ups.
Referred to **Commerce Committee.**

S.B. 553, a bill authorizing the Adjutant General to designate military judges to preside over courts-martial of the National Guard not in federal service, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 553** (House Committee Substitute), a bill authorizing the Adjutant General to appoint military judges to preside over courts-martial of the National Guard not in federal service.
Referred to **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1008 (Senate Committee Substitute)
House of Representatives
July 16, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to House bill No. 1008, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA INTO COMPLIANCE WITH A COURT DECISION CONCERNING STRAIGHT-TICKET VOTING, AND TO PROVIDE A SEPARATE BALLOT FOR MULTI-SEAT RACES, EXCEPT WHERE MECHANICAL VOTING MACHINES ARE USED, and requests conferees. The Speaker has appointed Representatives Beall, Miller, Hunter, Fitch, and Dawkins on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Kaplan moves that the President appoint conferees, which motion prevails. The President appoints Senators Kaplan, Goldston, Rauch, Seymour, and Royall as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

July 14, 1987

The Honorable Robert B. Jordan
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina 27611

Re: Atlantic States Marine Fisheries Commission

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 113-254, I hereby appoint Kenny L. Daniels, Dare County, North Carolina as a member of the Atlantic States Marine Fisheries Commission to serve a term beginning immediately, and expiring June 30, 1990, subject to confirmation by the North Carolina State Senate. Furthermore, I hereby submit his name to the Senate for said confirmation.

Sincerely,
s/James G. Martin
Governor

Referred to Natural and Economic Resources and Wildlife Committee.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 712 (Committee Substitute No. 2), a bill to provide for the Consolidated Government of Wilmington/New Hanover County, subject to a referendum, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Ward, Warren, and Winner--38.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 744 (Senate Committee Substitute), a bill to establish the Lake Wylie Marine Commission, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 20, for further consideration upon third reading.

S.B. 455 (House Committee Substitute), a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Kincaid, the Senate concurs in the House Committee Substitute bill, upon second reading, by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Richardson, Royall, Sands, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, July 20, for further consideration upon third reading.

REPORTS OF COMMITTEES

Bills and resolutions are reported out of the regular order of business from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

H.B. 193 (Committee Substitute No. 2), a bill to define resumption of marital relations by separated spouses, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 20, for further consideration.

H.B. 1106, a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 1106** (Senate Committee Substitute), a bill to provide that a judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 20, for further consideration.

CALENDAR (Continued)

S.B. 944 (Committee Substitute), a bill to add sales tax on the sale of spirituous liquor, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, Warren, and Winner--38.

Voting in the negative: Senator Cobb--1.

The bill is ordered sent to the House of Representatives.

H.B. 477, a bill to amend the Licensure Act for speech and language pathologists and audiologists, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--43.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 715, a bill to make technical changes to the rules relating to cancellation and restoration of corporate charters, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 772, a bill to impose fees for withdrawing from or rejoining the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 819, a bill to revise maximum fees authorized for the North Carolina State Board of Examiners in Optometry, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Swain, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill is ordered enrolled.

CONFERENCE REPORT

S.B. 585 (House Committee Substitute)

Senator Martin of Guilford, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 585** (House Committee Substitute), a bill to make certain changes in mental health, mental retardation, and substance confidentiality laws, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **S.B. 585** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES IN MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE CONFIDENTIALITY LAWS, wish to report as follows:

The Senate concurs in the House Committee Substitute with an amendment as follows:

on page 2, line 18 add the following new section:

"Sec. 3.1 Effective October 1, 1987, G.S. 122C-54(al) as enacted by Section 1 of this act is amended by deleting 'Chapter 33 or 35', and substituting 'Chapter 35A'".

and the House concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 16th day of July, 1987.

s/"Bill" Martin	s/Anne C. Barnes
s/Ollie Harris	s/Brewster W. Brown
s/Russell Walker	s/James W. Crawford, Jr.
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Martin of Guilford, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 212 (Committee Substitute), a bill to authorize the City of Greensboro to levy an admissions tax, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall,

Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senator Kincaid--1.

The Committee Substitute bill remains on the Calendar for Monday, July 20, for further consideration upon third reading.

H.B. 895 (Senate Committee Substitute), a bill to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes, and to allow annexation to a rural fire protection district of areas within the corporate limits of a municipality, upon second reading.

On motion of Senator Rauch, consideration of the Senate Committee Substitute bill is postponed until Wednesday, July 22.

H.B. 1295 (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes, as amended, upon second reading.

On motion of Senator Hunt of Durham, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee.**

S.B. 875 (Committee Substitute), a bill to encourage waterfowl habitat conservation on private lands by authorizing the Wildlife Resources Commission to license approved habitat projects and by granting a tax deduction for the landowner's expenses.

On motion of Senator Royall, the Committee Substitute bill is re-referred to the **Ways and Means Committee.**

H.B. 291 (Senate Committee Substitute No. 2), a bill to provide that certain preliminary hearings on license suspensions are not mandatory.

On motion of Senator Rand, consideration of the Senate Committee Substitute bill No. 2 is postponed until Monday, July 20.

H.B. 609 (Senate Committee Substitute No. 2), a bill to make various amendments to the General Statutes and to clarify Chapter 105 of the 1987 Session Laws.

The Senate Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the Senate Committee Substitute bill No. 2 remains on the Calendar for Monday, July 20, for further consideration.

H.B. 1065 (Senate Committee Substitute), a bill to provide first available bed priority for nursing home patients temporarily absent from a nursing facility due to hospital stay.

Senator Bryan offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 585 House of Representatives
(House Committee Substitute) July 17, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for

Senate bill No. 585, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES IN MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE CONFIDENTIALITY LAWS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
s/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 503 (Senate Committee Substitute), an act to provide for a single license system for insurance agents, brokers, and adjusters. (Ch. 629)

H.B. 666 (Senate Committee Substitute), an act to provide for instruction in the public schools on the prevention of AIDS and other communicable diseases. (Ch. 630)

H.B. 683 (Senate Committee Substitute), an act to improve the solvency protection of health maintenance organizations. (Ch. 631)

H.B. 823 (Senate Committee Substitute), an act to require certain information be used in determining fire insurance rates for homeowners and farmowners insurance in rural fire districts. (Ch. 632)

S.B. 48 (House Committee Substitute), an act to prohibit shallow land burial of low-level radioactive waste, to require the use of engineered barriers in connection with the disposal of low-level radioactive waste, to establish requirements for engineered barriers and other requirements applicable to the disposal of low-level radioactive waste, and to amend certain definitions in the Radiation Protection Act. (Ch. 633)

S.B. 288 (House Committee Substitute), an act to allow the Secretary of the Department of Human Resources to provide assistance to private nonprofit foundations. (Ch. 634)

S.B. 631 (House Committee Substitute), an act to lower the liability insurance and inspection requirements for certain amusement devices. (Ch. 635)

S.B. 709 (Committee Substitute), an act making it illegal to harass people taking wildlife or fisheries resources. (Ch. 636)

S.B. 752 (Committee Substitute), an act to provide that foreign sales corporations shall be exempt from state income tax to the same extent as they are exempt from federal income tax. (Ch. 637)

S.J.R. 1555, a joint resolution honoring the life and memory of Daniel Killian Moore, former Governor of North Carolina. (Res. 35)

CONFERENCE REPORT

S.B. 719 (House Committee Substitute)

Senator Kaplan, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 719** (House Committee

Substitute), a bill to allow the waiver of certain surety bonds required for charitable solicitation, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **S.B. 719** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAIVER OF CERTAIN SURETY BONDS REQUIRED FOR CHARITABLE SOLICITATION, wish to report as follows:

The Senate concurs in the House Committee Substitute with an amendment as follows:

On page 1, line 7, delete "The Commission may promulgate rules and regulations to waive the bond" and substituting "A bond shall not be".

And the House concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

s/Ted Kaplan	s/Joe Hackney
s/Henson Barnes	s/Harry Payne
s/Marvin Ward	s/George Miller
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Kaplan, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 870 (House Committee Substitute), a bill to reorganize the Marine Fisheries Commission, for concurrence in the House Committee Substitute bill, held not to be material, upon second reading.

On motion of Senator Tally, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 817 (House Committee Substitute), a bill to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction, for concurrence in the House Committee Substitute bill.

On motion of Senator Hardison, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 829 (House Committee Substitute), a bill to create the offense of "trafficking in Lysergic Acid Diethylamide" and to clarify the penalty for drug trafficking, for concurrence in the House Committee Substitute bill.

On motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

WITHDRAWAL FROM CALENDAR

H.B. 541, a bill to eliminate the death penalty for persons seventeen years of age or younger.

On motion of Senator Barnes, the bill is taken from the Calendar for Wednesday, July 22, and recommitted to the **Judiciary I Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 849 (Committee Substitute), a bill to amend the law regarding Social Services subrogation and disbursement.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken from the **Appropriations Committee** and is placed on the Calendar for Wednesday, July 22.

S.B. 553 (House Committee Substitute), a bill authorizing the Adjutant General to appoint military judges to preside over courts-martial of the National Guard not in federal service.

On motion of Senator Staton, the House Committee Substitute bill is taken from the **Judiciary II Committee** and is placed on the Calendar for Monday, July 20.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 790, a bill to clarify that the intangible tax shall not apply to funds composed entirely of obligations of the United States, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

H.B. 11, a bill making advertising agencies liable for sales tax on all items purchased by them and excluding items produced by advertising agencies from sales tax, thereby ensuring that advertising services are not subject to sales tax, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Tuesday, July 21.

H.B. 697 (Senate Committee Substitute), a bill to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees and to make other changes in the law pertaining to wildlife license fees for citizens of other states, with a favorable report.

On motion of Senator Rauch, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 20.

H.B. 831, a bill to increase the fees set and collected by the State Board of Mortuary Science, with a favorable report.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, July 20.

H.B. 1194, a bill clarifying the appraisal of real property in non-reappraisal years, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Monday, July 20.

On motion of Senator Harrington, seconded by Senator Smith, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED FIFTEENTH DAY

SENATE CHAMBER,
Monday, July 20, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senators Somers, Martin of Guilford, and Smith, who are attending the Southern Regional Education Convention in Naples, Florida, and to Senator Johnson of Cabarrus, whose attendance is required in court.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 585 (House Committee Substitute), an act to make certain changes in mental health, mental retardation, and substance confidentiality laws. (Ch. 638)

S.B. 817 (House Committee Substitute), an act to allow the Secretary of Correction to adopt rules on damage or theft of personal property belonging to employees in institutions of the Department of Correction. (Ch. 639)

S.B. 829 (House Committee Substitute), an act to create the offense of "trafficking in Lysergic Acid Diethylamide" and to clarify the penalty for drug trafficking. (Ch. 640)

S.B. 870 (House Committee Substitute), an act to reorganize the Marine Fisheries Commission. (Ch. 641)

H.B. 457, an act to allow for recounts in primaries and elections where the margin is one percent or less. (Ch. 642)

H.B. 712 (Committee Substitute No. 2), an act to provide for the Consolidated Government of Wilmington/New Hanover County, subject to a referendum. (Ch. 643)

H.B. 715, an act to make technical changes to the rules relating to cancellation and restoration of corporate charters. (Ch. 644)

H.B. 819, an act to revise maximum fees authorized for the North Carolina State Board of Examiners in Optometry. (Ch. 645)

H.B. 869 (Senate Committee Substitute), an act to allow the Bladen County Board of Commissioners to alter the manner of their election. (Ch. 646)

H.B. 893 (Committee Substitute), an act to authorize Johnston County to levy a room occupancy and tourism development tax. (Ch. 647)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 144 (Committee Substitute), a bill to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes.
Referred to **Finance Committee.**

S.B. 457, a bill to amend the Private Protective Services Act, for concurrence in the House Committee Substitute bill.
Referred to **Judiciary III Committee.**

EXECUTIVE ORDERS

EXECUTIVE ORDER 51--Extension of Executive Orders 3, 8, 9, 10, and 12 Extension and Amendment of Executive Orders 7, 13, and 14 and Recission of Executive Order 19.
Referred to **State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 744 (Senate Committee Substitute), a bill to establish the Lake Wylie Marine Commission, upon third reading.
The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Pitt, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--36.
Voting in the negative: None.
The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 455 (House Committee Substitute), a bill to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum, for concurrence in the House Committee Substitute bill, upon third reading.
On motion of Senator Hunt of Moore, the Senate concurs in the House Committee Substitute bill, upon third reading, by roll-call vote, ayes 37, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Pitt, Marvin, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--37.
Voting in the negative: None.
The House Committee Substitute bill is ordered enrolled.

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons, for concurrence in House Amendment No. 1, upon second reading.
On motion of Senator Staton, the Senate concurs in House Amendment No. 1, upon second reading, by roll-call vote, ayes 38, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--38.
Voting in the negative: None.
The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 212 (Committee Substitute), a bill to authorize the City of Greensboro to levy an admissions tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--38.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 697 (Senate Committee Substitute), a bill to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees and to make other changes in the law pertaining to wildlife license fees for citizens of other states, upon second reading.

Senator Barker offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, and Ward--38.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 831 (Senate Committee Substitute), a bill to increase the fees set and collected by the State Board of Mortuary Science, upon second reading.

Without objection, Senator Harris is excused from voting for the stated reason: "Conflict of interest."

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 193 (Senate Committee Substitute), a bill to define resumption of marital relations by separated spouses.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 291 (Senate Committee Substitute No. 2), a bill to provide that certain preliminary hearings on license suspensions are not mandatory.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1106 (Senate Committee Substitute), a bill to provide that a judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce.

Without objection, the Chair orders the Senate Committee Substitute bill placed on the Calendar for Wednesday, July 22.

H.B. 1194, a bill clarifying the appraisal of real property in non-reappraisal years.

The Chair declares the bill requires a call of the roll, and the bill remains before the Senate upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 609 (Senate Committee Substitute No. 2), a bill to make various amendments to the General Statutes and to clarify Chapter 105 of the 1987 Session Laws, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Sands, further consideration of the Senate Committee Substitute bill No. 2, as amended, is postponed until Wednesday, July 22.

S.B. 553 (House Committee Substitute), a bill authorizing the Adjutant General to appoint military judges to preside over courts-martial of the National Guard not in federal service, for concurrence in the House Committee Substitute bill.

On motion of Senator Staton, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

REFERRAL TO COMMITTEE

H.B. 1187 (Committee Substitute), a bill to make technical corrections in the 1987 Session Laws.

The Chair orders the Committee Substitute bill, ordered held as filed in the Office of the Principal Clerk on June 25, recalled to the Senate. The Committee Substitute bill is read the first time and referred to the **Judiciary II Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported out of the regular order of business from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **State Personnel Committee:**

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications, with a favorable report, as amended.

H.B. 1133, a bill to strengthen the preference to be accorded veterans for State employment, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Taft, the rules are suspended and the Senate Committee Substitute bill, which changes the title upon concurrence to read, **H.B. 1133** (Senate Committee Substitute), a bill to strengthen the preference to be accorded veterans for

State employment when the State employment is within the purview of Chapter 126 of the General Statutes, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Taft, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 22, for further consideration.

The President recognizes the following pages serving in the Senate this week: Robert Christian Brantley, Raleigh; Robert Cameron Bridger, Raleigh; Michelle Carawan, Knightdale; Andrea Carter, Raleigh; Charles Jerome Dunn III, Raleigh; Christine Koger, Raleigh; Ashley Anne Mattox, Raleigh; Cledra Armittie McCullers, Knightdale; Edward Scott Monaghan, Raleigh; Thomas A. Morrow, Jr., Tarboro; Natalie Ann Paris, Graham; Craven Rand, Fayetteville; Charles Tysor Smith, Raleigh; Chrystal Nicole Sneed, Kittrell; Carol Ann Weary, Bullock; and Allison Brooke Younger, Raleigh.

On motion of Senator Harrington, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED SIXTEENTH DAY

SENATE CHAMBER,
Tuesday, July 21, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Father, we live in a land of beauty and opportunity. Help us to recognize and appreciate both.

"May we give our best thought and attention to what is important so that we may accomplish something worthwhile.

"Save us from floundering in indecision that wastes time, subtracts from our peace of mind, divides our efficiency and multiplies our troubles.

"We ask for help in Your Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Martin of Guilford, Smith, and Somers, and to Senator Cobb, who is meeting with President Ronald Reagan and Vice-President George Bush.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee:**

H.B. 541, a bill to eliminate the death penalty for persons seventeen years of age or younger, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 541** (Senate Committee Substitute), a bill to eliminate the death penalty for persons under the age of seventeen, is

placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 23, for further consideration.

By Senator Parnell for the **Insurance Committee:**

S.B. 512 (House Committee Substitute), a bill to provide for the registration and regulation of third party administrators, with a favorable report as to concurrence.

S.B. 466 (House Committee Substitute), a bill to repeal the sunset provision in the Risk Sharing Plan Act of 1986, with an unfavorable report, as to concurrence.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

H.B. 871, a bill to allow the Towns of Knightdale and Zebulon to impose water and wastewater capacity charges, with a favorable report.

H.B. 910, a bill to exempt private lands exclusively used for storm drainage purposes from special assessments in Brunswick County, with a favorable report.

H.B. 918, a bill to authorize Guilford County and the Cities of Greensboro and High Point to acquire real property by condemnation in order to preserve open space and open area, for the protection and conservation of watershed areas and municipal drinking water supplies, and to acquire the fee or any lesser interest, with a favorable report.

H.B. 725, a bill concerning traffic regulations at the Greensboro/High Point/Winston-Salem Regional Airport, with a favorable report, as amended.

H.B. 842, a bill to authorize the City of Charlotte to require fire sprinkler systems in certain structures, with an unfavorable report.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 128, a bill to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1, upon third reading, by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Marvin, Parnell, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Taft, Tally, Walker, Ward, Warren, and Winner--33.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 697 (Senate Committee Substitute), a bill to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees and to make other changes in the law pertaining to wildlife license fees for citizens of other states, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 31, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of

Wake, Kaplan, Kincaid, Marvin, Parnell, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Taft, Tally, Walker, Ward, Warren, and Winner--31.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 831 (Senate Committee Substitute), a bill to increase the fees set and collected by the State Board of Mortuary Science, upon third reading.

Without objection, Senator Harris is excused from voting for the stated reason: "conflict of interest in funeral service."

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Marvin, McDuffie, Parnell, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--34.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1194, a bill clarifying the appraisal of real property in non-reappraisal years, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, as amended.

The Chair declares the Committee Substitute bill requires a call of the roll, and the bill remains before the Senate upon second reading.

Senator Ezzell calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senators Johnson of Cabarrus and Richardson--2.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications.

On motion of Senator Taft, Committee Amendments No. 1 and No. 2 are adopted.

Senator Soles offers Amendment No. 3 which is adopted (electronically recorded).

Senator Taft offers Amendment No. 4 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Block to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

H.B. 100 (Senate Committee Substitute), a bill to make certain changes in the distributive award of vested pension and retirement benefits, upon third reading.

Senator Sands offers Amendment No. 1.

Senator Johnson of Wake rises to a point of order as to Amendment No. 1 being germane. The Chair fails to sustain the point of order and rules Amendment No. 1 germane.

Senator Barnes calls the previous question, seconded by Senator Rand. The call is sustained.

Amendment No. 1 fails of adoption (electronically recorded).

The Senate Committee Substitute bill passes its third reading (electronically recorded), and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 455 (House Committee Substitute), an act to incorporate the Town of Sawmills, and provide for the simultaneous dissolution of the Sawmills Sanitary District, subject to a referendum. (Ch. 648)

S.B. 553 (House Committee Substitute), an act authorizing the Adjutant General to appoint military judges to preside over courts-martial of the National Guard not in federal service. (Ch. 649)

S.B. 820 (Committee Substitute), an act authorizing the State and local governmental units and all agencies and instrumentalities of either to issue capital appreciation revenue, special obligation and general obligation bonds, the proceeds of which may be used by the purchaser for higher education and other needs. (Ch. 650)

S.B. 821 (Committee Substitute), an act to make various fee adjustments and amendments to the Nurse Practice Act. (Ch. 651)

H.B. 179 (Senate Committee Substitute), an act to require political advertising to be labeled accurately. (Ch. 652)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

S.B. 748 (House Committee Substitute), a bill to provide that a district court judge has limited jurisdiction to enter a temporary restraining order prohibiting the suspension, cancellation, or revocation of a driver's license in conjunction with appeals from the Division of Motor Vehicles license actions, with a favorable report, as to concurrence.

H.B. 768, a bill to establish credit card and charge card disclosure requirements, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 23, for further consideration.

By Senator Hunt of Moore for the **Local Government and Regional Affairs II Committee:**

H.B. 774, a bill to establish a "no-wake" speed zone for motorboats at Sunset Harbor and the Village of Bald Head Island, with a favorable report.

CALENDAR (Continued)

S.B. 101 (House Committee Substitute), a bill to amend the Business Corporation Act to permit corporations to limit or eliminate the liability of directors for monetary damages for certain breaches of duty, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 351 (House Committee Substitute), a bill to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 772, a bill to allow temporary rules for the issuance of bonds for private colleges, for concurrence in House Amendment No. 1 which is placed on the Calendar for Thursday, July 23.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Judiciary III Committee:**

S.B. 457 (House Committee Substitute), a bill to amend the Private Protective Services Act, with a favorable report, as to concurrence.

S.B. 597, a bill to expand the definition of offenses involving impaired driving, with a favorable report, as to concurrence.

H.B. 1033, a bill creating the offense of interfering with an emergency citizens band radio communication, with a favorable report, as amended.

S.B. 509, a bill to increase the immediate civil license revocation for certain persons charged with implied-consent offenses from ten days to thirty days and for certain other persons from thirty days to sixty days, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 509** (Committee Substitute), a bill to authorize the Legislative Research Commission to study modifications to the Safe Roads Act, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 637, a bill to amend the definition of abused juveniles in Chapter 7A, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Swain, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 23, for further consideration.

H.B. 1204 (Senate Committee Substitute), a bill to repeal the requirement that certain water and sewer authorities receive a certificate authorizing eminent domain before acquiring water rights, so as to recognize the special regional nature of those authorities, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill No. 2, which changes the title upon concurrence to read, **H.B. 1204** (Senate Committee Substitute No. 2), a bill to repeal the requirement that certain water and sewer authorities receive a certificate from the Environmental Management Commission authorizing eminent domain before acquiring water rights within the limits of the organizing governments, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, and providing that outside the limits of the organizing governments, such actions can only be initiated with approval of the Environmental Management Commission, Board of County Commissioners, and the voters of that county, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Swain, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Thursday, July 23, for further consideration.

H.B. 1208, a bill to make changes to the domestic violence statutes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill, which changes the title upon concurrence to read, **H.B. 1208** (Senate Committee Substitute), a bill to amend Chapter 50B by clarifing the definition of bodily injury for children in domestic violence cases, by allowing the filing of a motion in certain existing actions for domestic violence relief, and by requiring notice of hearings for emergency relief, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Swain, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 23, for further consideration.

By Senator Rauch for the **Finance Committee:**

H.B. 10 (Committee Substitute), a bill to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Department of Human Resources, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Rauch, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

RE-REFERRAL

S.B. 110, a bill to enact and appropriate funds for the North Carolina Clean Water Loan and Grant Fund Act of 1987.

Without objection, on motion of Senator Staton, the bill is taken from the **Economic Growth Committee** and re-referred to the **Appropriations Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 1133 (Senate Committee Substitute), a bill to strengthen the preference to be accorded veterans for State employment when the State employment is within the purview of Chapter 126 of the General Statutes.

Without objection, on motion of Senator Sherron, the Senate Committee Substitute bill is taken from the Calendar for Wednesday, July 22 and re-referred to the **Appropriations Committee**.

S.B. 849 (Committee Substitute), a bill to amend the law regarding Social Services subrogation and disbursement.

Without objection, on motion of Senator Daniel, the Committee Substitute bill is taken from the Calendar for Wednesday, July 22 and is placed on the Calendar for Thursday, July 23.

WITHDRAWAL FROM COMMITTEE

H.B. 1088 (Committee Substitute), a bill to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions.

Without objection, on motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 639

House of Representatives
July 21, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to House bill No. 639, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 7A-657 TO ALLOW WAIVER OF PERIODIC REVIEW HEARINGS OF CUSTODY ORDERS, and requests conferees. The Speaker has appointed Representatives Wright, Barnes, and Dawkins on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

Senator Winner moves that the President appoint conferees, which motion prevails. The President appoints Senators Winner, Johnson of Wake, and Johnson of Cabarrus as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Ezzell, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED SEVENTEENTH DAY

SENATE CHAMBER,
Wednesday, July 22, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County, who leads the Senate in praying The Lord's Prayer.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Cobb, Daniel, Smith, and Somers.

The Chair grants courtesies of the gallery to the Honorable Pat Piper, Senator from the State of Minnesota.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 101 (House Committee Substitute), an act to amend the Business Corporation Act to permit corporations to limit or eliminate the liability of directors for monetary damages for certain breaches of duty. (Ch. 626)

S.B. 128, an act to authorize the City of Raleigh to engage in housing programs and activities for low and moderate income persons. (Ch. 653)

S.B. 351 (House Committee Substitute), an act to provide for the defense of local health department sanitarians enforcing public health rules of the North Carolina Commission for Health Services under the supervision of the North Carolina Department of Human Resources. (Ch. 654)

H.B. 1194, an act clarifying the appraisal of real property in non-reappraisal years. (Ch. 655)

S.J.R. 522 (Committee Substitute), a joint resolution honoring the memory of John T. Patrick, founder of the Town of Southern Pines. (Res. 36)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

H.B. 642, a bill to authorize local boards of health to adopt by reference rules adopted by the Environmental Management Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 642** (Senate Committee Substitute), a bill to repeal G.S. 143-215.1(c)(2)b, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Harris, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 24, for further consideration.

By Senator Hardison for the **Commerce Committee**:

S.B. 524 (House Committee Substitute), a bill to provide adjustments to costs in electric utility ratemaking and to study the question of continuing the authority for true-ups, with a favorable report, as to concurrence.

By Senator Rauch for the **Finance Committee**:

H.B. 166 (Committee Substitute), a bill to provide matching funds to reduce rural fire insurance rates, with a favorable report.

H.B. 1134, a bill to exempt real estate transfer taxes transfers to secured lenders foreclosing loans or accepting deeds in lieu of foreclosure, with a favorable report.

H.B. 1242 (Committee Substitute), a bill to amend the Local Government Finance Act in connection with the investment of local funds, with a favorable report.

H.B. 587 (Committee Substitute), a bill to regulate the advertising of reduced or discounted fees for services by chiropractors, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Rauch, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 24, for further consideration.

By Senator Goldston for the **Transportation Committee**:

S.B. 405 (House Committee Substitute), a bill to exempt county-owned vehicles used for transportation of clients of area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked, with a favorable report, as to concurrence.

H.B. 1211 (Committee Substitute No. 2), a bill to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system, with a favorable report, as amended.

On motion of Senator Goldston, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 871, a bill to allow the Towns of Knightdale and Zebulon to impose water and wastewater capacity charges, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 918, a bill to authorize Guilford County and the Cities of Greensboro and High Point to acquire real property by condemnation in order to preserve open space and open area, for the protection and conservation of watershed areas and municipal drinking water supplies, and to acquire the fee or any lesser interest, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 725, a bill concerning traffic regulations at the Greensboro/High Point/Winston-Salem Regional Airport.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

On motion of Senator Kaplan, further consideration of the bill, as amended, is postponed until tomorrow.

H.B. 774, a bill to establish a "no-wake" speed zone for motorboats at Sunset Harbor and the Village of Bald Head Island.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 910, a bill to exempt private lands exclusively used for storm drainage purposes from special assessments in Brunswick County.

Without objection, the Chair orders the bill re-referred to the **Finance Committee**.

CONSENT TO APPOINTMENT

Senator Tally, Chairman of the **Natural and Economic Resources and Wildlife Committee** submits the following report:

REPORT OF SENATE NATURAL AND ECONOMIC RESOURCES AND WILDLIFE COMMITTEE ON APPOINTMENT TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION

The Senate Committee on Natural and Economic Resources and Wildlife, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of the person appointed by the Governor in cases where appointments are subject to the advice and consent by the Senate of the General Assembly, reports as follows:

The Senate Committee on Natural and Economic Resources and Wildlife recommends that in compliance with G.S. 113-254 the members of the Senate vote to give consent to the following appointment of the Governor to the membership of the Atlantic States Marine Fisheries Commission:

> Kenny L. Daniels of Dare County appointed for a term expiring June 30, 1990.

The Chair orders the Report placed on the Calendar for tomorrow as Special Order of Business No. 1.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1142 (Committee Substitute), a bill to make technical changes to the Revenue Laws and Machinery Act.

Referred to **Finance Committee.**

S.B. 344 (Committee Substitute), a bill to authorize the discharge of clients who escape or breach the condition of release, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

CALENDAR (Continued)

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, as amended, upon third reading.

On motion of Senator Kaplan, consideration of the Committee Substitute bill, as amended, is postponed until Thursday, July 23.

H.B. 895 (Senate Committee Substitute), a bill to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes, and to allow annexation to a rural fire protection district of areas within the corporate limits of a municipality, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1033, a bill creating the offense of interfering with an emergency citizens band radio communication.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Barker offers Amendment No. 2, changing the title upon concurrence to read, **H.B. 1033**, a bill creating the offense of interfering with an emergency radio communication, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1088 (Committee Substitute), a bill to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

Senator Taft requests to be recorded voting "aye" on the third reading of the Committee Substitute bill, as amended.

H.B. 1106 (Senate Committee Substitute), a bill to provide that a judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

H.B. 609 (Senate Committee Substitute No. 2), a bill to make various amendments to the General Statutes and to clarify Chapter 105 of the 1987 Session Laws, as amended, upon third reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 927 (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 4.

S.B. 512 (House Committee Substitute), a bill to provide for the registration and regulation of third party administrators, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Johnson of Wake, the Senate concurs in the House Committee Substitute bill, upon third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 457 (House Committee Substitute), a bill to amend the Private Protective Services Act, for concurrence in the House Committee Substitute bill.

On motion of Senator Swain, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 466 (House Committee Substitute), a bill to repeal the sunset provision in the Risk Sharing Plan Act of 1986, for concurrence in the House Committee Substitute bill.

Senator Johnson of Wake, moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Parnell, Johnson of Wake, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 597, a bill to expand the definition of offenses involving impaired driving, for concurrence in House Amendment No. 1.

On motion of Senator Allran, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 748 (House Committee Substitute), a bill to provide that a district court judge has limited jurisdiction to enter a temporary restraining order prohibiting the suspension, cancellation, or revocation of a driver's license in conjunction with appeals from the Division of Motor Vehicles license actions, for concurrence in the House Committee Substitute bill.

On motion of Senator Barker, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

H.B. 1107

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1107** (Senate Committee Substitute), a bill to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities, and to amend the General Statutes to permit constituent institutions of the University of North Carolina to establish campus law enforcement agencies, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1107 (Senate Committee Substitute adopted 6/10/87, 3rd Edition). A bill to be entitled AN ACT TO AMEND THE STATUTE ON DISORDERLY CONDUCT TO SPECIFY PERSONS AUTHORIZED TO ORDER THE VACATION OF BUILDINGS AND FACILITIES AT COLLEGES AND UNIVERSITIES, AND TO AMEND THE GENERAL STATUTES TO PERMIT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES, wish to report as follows:

The House concurs in the Senate Committee Substitute and the House and Senate agree to the following amendments:

on page 2, line 9, by deleting the words "occupied by" and inserting in lieu thereof the words "leased to"; and

on page 2, line 10, by deleting that line and rewriting that line to read: "and that portion of any public road or highway passing through such property and immediately adjoining it, wherever located."; and

on page 2, line 14, by deleting the word "boards" and inserting in lieu thereof the word "board"; and

on page 2, line 34, by deleting the word "city" and inserting in lieu thereof the word "municipal".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22nd day of July, 1987.

s/Joe Hackney	s/Henson P. Barnes
s/David Redwine	s/Lura Tally
s/Betty H. Wiser	s/William N. Martin
Conferees on the part of the House of Representatives	*Conferees on the part of the Senate*

July 22, 1987

On motion of Senator Barnes, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee**:

H.B. 226 (Committee Substitute), a bill to prohibit interference with civil rights, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 24, for further consideration.

WITHDRAWAL FROM COMMITTEE

H.B. 752 (Senate Committee Substitute), a bill to make technical amendments to the Mental Health, Mental Retardation, and Substance Abuse Act of 1985, conforming changes to the General Statutes and authorizing the Secretary of Human Resources to accept certain federal funds.

Without objection, of motion of Senator Plyler, the Senate Committee Substitute bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow.

On motion of Senator Harrington, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED EIGHTEENTH DAY

SENATE CHAMBER,
Thursday, July 23, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Father in Heaven, help us to have the long view of our work here and its effect on our world. Help us to continue to support the causes that are right even though they may not succeed at this time. Help us to make our choices for the things that help the people of our State have a brighter future. Give us guidance in our work, the patience to wait, and the time for careful, unhurried decisions. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 862 (House Committee Substitute), a bill to provide reasonable regulation of preferred provider contracts for health services, with a favorable report as to concurrence.

H.B. 1241, a bill to prevent the discharge of employees because they are called for jury duty, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee:**

H.B. 432, a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly or the Senate, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill No. 2, which changes the title upon concurrence to read, **H.B. 432** (Senate Committee Substitute No. 2), a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly, the Senate, or the House of Representatives, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Monday, July 27, for further consideration.

By Senator Swain for the **Judiciary III Committee:**

H.B. 979 (Committee Substitute), a bill to create a general offense of trespass that replaces miscellaneous trespass offenses, with a favorable report, as amended.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 229 (House Committee Substitute), a bill to amend the North Carolina Drinking Water Act, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee.**

S.B. 784 (Committee Substitute), a bill to provide that physicians who dispense prescription drugs must register, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read, **S.B. 784** (House Committee Substitute), a bill to provide that physicians who dispense prescription drugs must register and comply with pharmacy regulations.

Referred to **Judiciary I Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 466
(House Committee Substitute)

House of Representatives
July 22, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to Senate bill No. 466, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION IN THE RISK SHARING PLAN ACT OF 1986, the Speaker has appointed as conferees on the part of the House, Representatives Beard, Holmes, and Hasty to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
s/Grace A. Collins
Principal Clerk

CONFERENCE REPORT

H.B. 804

Senator Johnson of Wake, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 804** (Senate Committee Substitute), a bill to clarify the property requirements for probate by affidavit of small testate estates, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 804 (Senate Committee Substitute adopted 7/8/87, 3rd Edition), a bill to be entitled AN ACT TO CLARIFY THE PROPERTY REQUIREMENTS FOR PROBATE BY AFFIDAVIT OF SMALL TESTATE ESTATES, wish to report as follows:

The House concurs in the Senate Committee Substitute and the House and Senate agree to the following amendment:

on page 3, line 18, by inserting immediately after the word "the" the phrase "will or of the".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

s/Joe Johnson	s/Joe Hackney
s/William W. Staton	s/John Kerr
s/L. A. Cobb	s/Richard Chalk
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Johnson of Wake, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being the

consent of the Senate to the Appointment of the Governor to the Atlantic States Marine Fisheries Commission.

On motion of Senator Tally, Chairman of the **Natural and Economic Resources and Wildlife Committee**, the Senate adopts the report of the Committee, submitted on Wednesday, July 22, and consents to the appointment of Kenny L. Daniels as a member of the Atlantic States Marine Fisheries Commission by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--43.

Voting in the negative: None.

H.B. 871, a bill to allow the Towns of Knightdale and Zebulon to impose water and wastewater capacity charges, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 918, a bill to authorize Guilford County and the Cities of Greensboro and High Point to acquire real property by condemnation in order to preserve open space and open area, for the protection and conservation of watershed areas and municipal drinking water supplies, and to acquire the fee or any lesser interest, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Environment Committee**:

H.B. 1262 (Committee Substitute), a bill to make technical and clarifying changes to the Clean Detergent Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 27, for further consideration.

S.B. 848, a bill to add a new Chapter to the General Statutes to create the North Carolina Low-Level Radioactive Waste Management Authority, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 848** (Committee Substitute), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority and to provide for the management of low-level radioactive waste in North Carolina, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Winner, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

H.B. 725, a bill concerning traffic regulations at the Greensboro/High Point/ Winston-Salem Regional Airport, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, as amended, upon third reading.

Senator Ezzell calls the previous question, seconded by Senator Harris. The call is sustained.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: Senators Johnson of Cabarrus, Richardson, and Swain--3.

On motion of Senator Ezzell, the Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3 by special messenger.

H.B. 895 (Senate Committee Substitute), a bill to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes, and to allow annexation to a rural fire protection district of areas within the corporate limits of a municipality, upon third reading.

Senator Warren offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--43.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 166 (Committee Substitute), a bill to provide matching funds to reduce rural fire insurance rates, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 768, a bill to establish credit card and charge card disclosure requirements, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Warren, and Winner--45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1134, a bill to exempt real estate transfer taxes transfers to secured lenders foreclosing loans or accepting deeds in lieu of foreclosure, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Warren, and Winner--46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1204 (Senate Committee Substitute No. 2), a bill to repeal the requirement that certain water and sewer authorities receive a certificate from the Environmental Management Commission authorizing eminent domain before acquiring water rights within the limits of the organizing governments, and substituting a requirement that the County Board of Commissioners approve the taking before an action can be filed, and providing that outside the limits of the organizing governments, such actions can only be initiated with approval of the Environmental Management Commission, Board of County Commissioners, and the voters of that county, upon second reading.

On motion of Senator Swain, the Senate Committee Substitute bill No. 2 is recommitted to the **Judiciary III Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 350, an act to establish a time frame for filing appeals of administrative penalty assessments. (Ch. 656)

S.B. 457 (House Committee Substitute), an act to amend the Private Protective Services Act. (Ch. 657)

S.B. 597, an act to expand the definition of offenses involving impaired driving. (Ch. 658)

S.B. 748 (House Committee Substitute), an act to provide that a district court judge has limited jurisdiction to enter a temporary restraining order prohibiting the suspension, cancellation, or revocation of a driver's license in conjunction with appeals from the Division of Motor Vehicles license actions. (Ch. 659)

S.B. 795, an act to permit the court discretion, in appropriate cases, to provide alternative punishment for shoplifting offenders. (Ch. 660)

H.B. 113, an act to permit the governing body of a taxing unit to allow the tax collector to adjust small underpayments and overpayments of property tax. (Ch. 661)

CALENDAR (Continued)

S.B. 849 (Committee Substitute), a bill to amend the law regarding Social Services subrogation and disbursement.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Soles to its third reading, the Committee Substitute bill remains on the Calendar for Tuesday, July 28, for further consideration.

H.B. 541 (Senate Committee Substitute), a bill to eliminate the death penalty for persons under the age of seventeen.

Senator Winner offers Amendment No. 1 changing the title upon concurrence to read, **H.B. 541** (Senate Committee Substitute), a bill to eliminate the death penalty for persons under the age of sixteen. Senator Barnes calls the previous question, seconded by Senator Rand. The call is sustained. Amendment No. 1 fails of adoption (electronically recorded).

The Senate Committee Substitute bill passes its second (electronically recorded) and third (electronically recorded) readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM CALENDAR

H.B. 432 (Senate Committee Substitute No. 2), a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly or the Senate.

Without objection, on motion of Senator Soles, the Senate Committee Substitute bill No. 2 is taken from the Calendar for Monday, July 27 and is placed on the Calendar for Tuesday, July 28.

S.B. 849 (Committee Substitute), a bill to amend the law regarding Social Services subrogation and disbursement.

Without objection, on motion of Senator Soles, the Committee Substitute bill is taken from the Calendar for Tuesday, July 28 and is placed before the Senate for immediate consideration upon third reading.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

CALENDAR (Continued)

H.B. 637 (Senate Committee Substitute), a bill to amend the definition of abused juveniles in Chapter 7A.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Barker objects to the third reading of the Senate Committee Substitute bill, which objection he subsequently withdraws.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 752 (Senate Committee Substitute), a bill to make technical amendments to the Mental Health, Mental Retardation, and Substance Abuse Act of 1985, conforming changes to the General Statutes and authorizing the Secretary of Human Resources to accept certain federal funds.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1208 (Senate Committee Substitute), a bill to amend Chapter 50B by clarifying the definition of bodily injury for children in domestic violence cases, by allowing the filing of a motion in certain existing actions for domestic violence relief, and by requiring notice of hearings for emergency relief.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1242 (Committee Substitute), a bill to amend the Local Government Finance Act in connection with the investment of local funds.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1106 (Senate Committee Substitute), a bill to provide that a judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 512 (House Committee Substitute), a bill to provide for the registration and regulation of third party administrators, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Parnell, the Senate concurs in the House Committee Substitute bill, upon third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Sands, Seymour, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--41.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 344 (Committee Substitute), a bill to authorize the discharge of clients who escape or breach the condition of release, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S.B. 405 (House Committee Substitute), a bill to exempt county-owned vehicles used for transportation of clients of area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked, for concurrence in the House Committee Substitute bill.

On motion of Senator Tally, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S.B. 524 (House Committee Substitute), a bill to provide adjustments to costs in electric utility ratemaking and to study the question of continuing the authority for true-ups, for concurrence in the House Committee Substitute bill.

On motion of Senator Hardison, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

S.B. 772, a bill to allow temporary rules for the issuance of bonds for private colleges, for concurrence in House Amendment No. 1.

On motion of Senator Daniel, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 970

House of Representatives
July 22, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment #2 to House Bill No. 970, A BILL TO BE ENTITLED AN ACT TO INCREASE THE THRESHOLD AMOUNTS IN THE BID STATUTES FOR PURCHASES, AND TO AUTHORIZE WAIVER OF CERTAIN BID BONDS and requests conferees. The Speaker has appointed Representatives Wright, Dawkins, Blue, Payne, and Fussell on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Royall, Rand, Goldston, Barnes, and Smith as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 2160, a bill to permit Craven County to expend and/or loan out appropriated funds for industrial development purposes.

On motion of Senator Barker, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third reading and is ordered enrolled.

H.B. 27
(House Committee Substitute)

House of Representatives
July 23, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Committee Substitute for **H.B.**

27, A BILL TO BE ENTITLED AN ACT REGULATING PEDDLERS, ITINERANT MERCHANTS, FLEA MARKET VENDORS AND FLEA MARKET OPERATORS, and requests conferees. The Speaker has appointed Representatives Beall, Dawkins, and Church on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
s/Grace Collins
Principal Clerk

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Ezzell, and Kaplan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 804
(Senate Committee Substitute)

House of Representatives
July 23, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for H.B. No. 804, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROPERTY REQUIREMENTS FOR PROBATE BY AFFIDAVIT OF SMALL TESTATE ESTATES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace Collins
Principal Clerk

H.B. 1107
(Senate Committee Substitute)

House of Representatives
July 23, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for House bill No. 1107, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE ON DISORDERLY CONDUCT TO SPECIFY PERSONS AUTHORIZED TO ORDER THE VACATION OF BUILDINGS AND FACILITIES AT COLLEGES AND UNIVERSITIES, AND TO AMEND THE GENERAL STATUTES TO PERMIT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
s/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Taft, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED NINETEENTH DAY

SENATE CHAMBER,
Friday, July 24, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Robert S. Swain, Senator from Buncombe County, as follows:

"Father in Heaven, we thank You for grace which has brought us safely through another week, and pray that Your Spirit will remain with us as a source of rest and refreshment in the weekend ahead. Teach us to find renewal in recreation and in worship that we may return to our tasks on Monday with increased vigor and insight. Now let Your Spirit move upon this Body that they may swiftly complete their work today with energy and with integrity. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Hunt of Durham, Sands, Seymour, Soles, and Winner.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, July 27.

S.B. 825, a bill to provide relief from the weight limitations for refuse haulers, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 825** (House Committee Substitute), a bill to provide relief from the weight limitations for garbage haulers.
Referred to **Transportation Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

H.B. 726 (Committee Substitute), a bill to provide for the SBI to investigate crimes concerning civil disorder, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.
On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.
On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 29, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 166 (Committee Substitute), a bill to provide matching funds to reduce rural fire insurance rates, as amended, upon third reading.

Senator Parnell offers Amendment No. 2 which is adopted (electronically recorded).

Senator Kaplan offers Amendment No. 3, held not to be material, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Shaw, Sherron, Smith, Staton, Swain, Tally, Walker, Ward, and Warren--37.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H.B. 768 (Senate Committee Substitute), a bill to establish credit card and charge card disclosure requirements, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Smith, Staton, Swain, Tally, Walker, Ward, and Warren--37.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1134, a bill to exempt real estate transfer taxes transfers to secured lenders foreclosing loans or accepting deeds in lieu of foreclosure, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Shaw, Sherron, Smith, Swain, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 226 (Senate Committee Substitute), a bill to prohibit interference with civil rights.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Without objection, the Senate Committee Substitute bill remains before the Senate for further consideration upon third reading.

Senator Allran offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 587 (Senate Committee Substitute), a bill to regulate the advertising of reduced or discounted fees for services by chiropractors.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 642 (Senate Committee Substitute), a bill to repeal G.S. 143-215.1(c)(2)b.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 979 (Committee Substitute), a bill to create a general offense of trespass that replaces miscellaneous trespass offenses.

On motion of Senator Swain, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1241, a bill to prevent the discharge of employees because they are called for jury duty.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 83 (Committee Substitute), an act to increase the civil penalty for failure to cancel instruments of indebtedness and deeds of trust and make other technical changes to G.S. 45-36.3 and G.S. 47-46.1. (Ch. 662)

H.B. 100 (Senate Committee Substitute), an act to make certain changes in the distributive award of vested pension and retirement benefits. (Ch. 663)

H.B. 193 (Senate Committee Substitute), an act to define resumption of marital relations by separated spouses. (Ch. 664)

H.B. 477, an act to amend the Licensure Act for speech and language pathologists and audiologists. (Ch. 665)

H.B. 648 (Senate Committee Substitute), an act to prohibit fraudulent disclosure and willful nondisclosure on application for State employment and to provide penalties for such. (Ch. 666)

H.B. 772, an act to impose fees for withdrawing from or rejoining the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. (Ch. 667)

H.B. 871, an act to allow the Towns of Knightdale and Zebulon to impose water and wastewater capacity charges. (Ch. 668)

H.B. 918, an act to authorize Guilford County and the Cities of Greensboro and High Point to acquire real property by condemnation in order to preserve open space and open area, for the protection and conservation of watershed areas and municipal drinking water supplies, and to acquire the fee or any lesser interest. (Ch. 669)

H.B. 804 (Senate Committee Substitute), an act to clarify the property requirements for probate by affidavit of small testate estates. (Ch. 670)

H.B. 1107 (Senate Committee Substitute), an act to amend the statute on disorderly conduct to specify persons authorized to order the vacation of buildings and facilities at colleges and universities, and to amend the General Statutes to permit constituent institutions of the University of North Carolina to establish campus law enforcement agencies. (Ch. 671)

H.B. 1242 (Committee Substitute), an act to amend the Local Government Finance Act in connection with the investment of local funds. (Ch. 672)

H.B. 2160, an act to permit Craven County to expend and/or loan out appropriated funds for industrial development purposes. (Ch. 673)

S.B. 344 (Committee Substitute), an act to authorize the discharge of clients who escape or breach the condition of release. (Ch. 674)

S.B. 405 (House Committee Substitute), an act to exempt county-owned vehicles used for transportation of clients of area mental health, mental retardation, and substance abuse authorities from the requirement that they be marked. (Ch. 675)

S.B. 512 (House Committee Substitute), an act to provide for the registration and regulation of third party administrators. (Ch. 676)

S.B. 524 (House Committee Substitute), an act to provide adjustments to costs in electric utility ratemaking and to study the question of continuing the authority for true-ups. (Ch. 677)

S.B. 772, an act to allow temporary rules for the issuance of bonds for private colleges. (Ch. 678)

S.B. 145, an act to provide for the Court of Appeals to hear certain appeals in which life sentences are imposed. (Ch. 679)

CALENDAR (Continued)

S.B. 862 (House Committee Substitute), a bill to provide reasonable regulation of preferred provider contracts for health services, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson of Wake, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

RE-REFERRAL

H.B. 858, a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting.

Without objection, on motion of Senator Kaplan, the bill is taken from the **Election Laws Committee** and re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

H.B. 144 (Committee Substitute), a bill to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes, with a favorable report.

H.B. 607, a bill to make technical amendments regarding apportionment of the federal estate tax burden, with a favorable report.

H.B. 1223, a bill to permit large urban counties to use property tax funds for personnel costs related to planning and administration of housing rehabilitation programs already authorized by law, with a favorable report.

S.B. 685, a bill to reform the insurance premium tax laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, July 27, for further consideration.

S.B. 835, a bill to amend Chapter 97 "Workers' Compensation Act."

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 835** (Committee Substitute), a bill to amend provisions regarding the second injury fund under the Workers' Compensation Act, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, July 27, for further consideration.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 784 (House Committee Substitute), a bill to provide that physicians who dispense prescription drugs must register and comply with pharmacy regulations, with a favorable report, as to concurrence.

On motion of Senator Harrington, seconded by Senator Sherron, the Senate adjourns to meet tomorrow at 7:00 P.M.

ONE HUNDRED TWENTIETH DAY

SENATE CHAMBER,
Monday, July 27, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Robert D. Warren, Senator from Johnston County, as follows:

"Almighty God, Creator of this beautiful land and people known as North Carolina, we call upon You for guidance in the affairs of men. We know that Thou art the Perfect Law-Giver. Endow us with Thy wisdom to imitate the perfection of Thy laws.

"With man's joy and sorrow, life and death, depending upon decisions made in this Chamber, we plead that Thou wilt guide each of us into right choices. May we cooperate with Thee in the prevention of death upon our highways, violence upon our streets, and unbrotherly acts in all corners of our State.

"We thank Thee for each person here this evening and for their determined purpose to do Thy will. May our endeavors further advance Thy Kingdom's goals of love for the unloved, hope for the hopeless, and justice for all men. In the Name of the Supreme God of all, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senators Barnes, Cobb, Hunt of Durham, McDuffie, and to Senator Johnson of Cabarrus, whose attendance is required in court, and to Senators Conder and Royall, who are attending the National Conference of State Legislature's Annual Meeting in Indianapolis, Indiana.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 861, an act to permit a taxpayer to file a late application for property tax exemption or exclusion for listed property, and to require a taxpayer whose property is appraised by the Department of Revenue to apply to the Department instead of the county assessor for exemption or exclusion of the property from taxation. (Ch. 680)

S.B. 862 (House Committee Substitute), an act to provide reasonable regulation of preferred provider contracts for health services. (Ch. 681)

H.B. 663 (Senate Committee Substitute), an act to provide qualified immunity from civil liability for libel for members of nursing home advisory committees and domiciliary home advisory committees. (Ch. 682)

H.B. 744 (Senate Committee Substitute), an act to establish the Lake Wylie Marine Commission. (Ch. 683)

H.B. 754, an act to extend the coverage of the State Tort Claims Act to community colleges and technical colleges. (Ch. 684)

H.B. 1134, an act to exempt real estate transfer taxes transfers to secured lenders foreclosing loans or accepting deeds in lieu of foreclosure. (Ch. 685)

H.B. 1160 (Senate Committee Substitute), an act regarding access to and maintenance of private graves. (Ch. 686)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 216 (Committee Substitute No. 2), a bill to raise the penalty for failure to list a motor vehicle if the owner has falsely certified.
Referred to **Finance Committee.**

H.B. 670 (Committee Substitute), a bill to amend the premium tax statute for risk retention groups; to provide an orderly procedure for the payment of premium taxes on insurance provided to purchasing groups; to provide for more adequate information about regulation of risk retention and purchasing groups to be given to their members; to rewrite the surplus lines premium tax exemption; and to reinstate the procedures for and premium tax on independently procured insurance.
Referred to **Insurance Committee.**

H.B. 1709 (Committee Substitute), a bill to clarify the applicability of jail fees.
Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill held in the Office of the Principal Clerk.

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

S.B. 428, a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 428** (House Committee Substitute), a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes after one year following final judgment.

Referred to **Judiciary I Committee.**

S.B. 602, a bill to protect children placed for adoption, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 602** (House Committee Substitute), a bill to protect children placed for adoption by requiring notice and investigation.

Referred to **Children and Youth Committee.**

S.B. 630 (House Committee Substitute), a bill to allow the City of Hickory to impose facility fees, for concurrence in the House Committee Substitute bill, held to be material.

Referred to **Finance Committee.**

S.B. 672, a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts with the approval of the Iredell County Board of Commissioners, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 672** (House Committee Substitute), a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts.

Referred to **Finance Committee.**

S.B. 714, a bill to abolish the rule in Shelley's case, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary I Committee.**

S.B. 792, a bill to authorize all counties, and certain cities to convey property in lieu of appropriating funds, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 792** (House Committee Substitute), a bill to authorize all counties and cities to convey property in lieu of appropriating funds, which is placed on the Calendar for tomorrow.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 685 (Committee Substitute), a bill to reform the insurance premium tax laws, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 33, noes 4, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--33.

Voting in the negative: Senators Richardson, Somers, Thomas, and Winner--4.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 835 (Committee Substitute), a bill to amend provisions regarding the second injury fund under the Workers' Compensation Act, upon second reading.

Senator Rand, Chairman of the **Base Budget Committee**, requests a fiscal note. The Chair orders the Committee Substitute bill placed on the Calendar for Wednesday, July 29, for receipt of a fiscal note.

H.B. 607, a bill to make technical amendments regarding apportionment of the federal estate tax burden, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1223, a bill to permit large urban counties to use property tax funds for personnel costs related to planning and administration of housing rehabilitation programs already authorized by law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 144 (Committee Substitute), a bill to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes.

The Chair declares the Committee Substitute bill requires a call of the roll, and the bill remains before the Senate upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Block, Bryan, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1262 (Senate Committee Substitute), a bill to make technical and clarifying changes to the Clean Detergent Act.

Senator Walker offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Speed, consideration of the bill is postponed until tomorrow.

S.B. 784 (House Committee Substitute), a bill to provide that physicians who dispense prescription drugs must register and comply with pharmacy regulations, for concurrence in the House Committee Substitute bill.

On motion of Senator Warren, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Kristen S. Corbett, Raleigh; Laura Leigh Dardanell, Raleigh; Jay Dunn, Raleigh; Lea Dunn, Raleigh; William R. Everett, Robersonville; Joseph Aaron Johnson, Benson; Edward Scott Monaghan, Raleigh; Amy Poole, Raleigh; Christopher Priddy, Walnut Cove; Craven Rand, Fayetteville; William S. Riddick III, Matthews; Catherine Elizabeth Scoggins, Raleigh; Hollister W. Trott, Raleigh; Derrick Wall, Raleigh; Jennifer Wall, Raleigh; and Kirster Kay Wilkins, Reidsville.

On motion of Senator Harrington, seconded by Senator Tally, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-FIRST DAY

SENATE CHAMBER,
Tuesday, July 28, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Helen Marvin, Senator from Gaston County, as follows:

"Most Gracious Lord, Through many joyous days of triumph and happiness and through many shadowy hours of struggle and despair, You have brought us to this hour. Often we did not thank You for the joy; more often in the shadows we blamed You for the darkness.

"Dear Father, forgive our feverish ways. You created us with minds capable of understanding and caring for this world in which You placed us, yet we confess that we are often overwhelmed by conflicting claims and loyalties. Grant us wisdom to sort out the truth and courage to pursue it. We have faced the challenge of reconciling limited dollars to what appears to be unlimited needs.

"Forgive us for errors of heart and mind and for commitments made but not kept. We have made decisions for ourselves and others; help us to accept responsibility for the consequences. And now, O Lord, may Your Spirit move upon this Body that we may swiftly complete the tasks assigned to us, ever mindful that Thy will, not ours, be done. In Thy Holy Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Conder, McDuffie, and Royall and to Senator Staton, who is attending a meeting of the Golden Corral Corporation Board of Directors. (Senator Staton is noted present for a portion of today's Session.)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

H.B. 933, a bill to authorize continuance of the open seasons for foxes established in accordance with Chapter 1203 Session Laws 1981 (Regular Session 1982), with a favorable report, as amended.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Sands, consideration of the bill is postponed until tomorrow.

S.B. 685 (Committee Substitute), a bill to reform the insurance premium tax laws, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 33, noes 3, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Parnell, Rauch, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Walker, Ward, and Warren--33.

Voting in the negative: Senators Johnson of Cabarrus, Richardson, and Somers--3.

The Committee Substitute bill is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 144
(Committee Substitute)

House of Representatives
July 28, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of House Bill 144 (Committee Substitute) "A BILL TO BE ENTITLED AN ACT TO DESIGNATE TAXABLE REAL PROPERTY, SET APART FOR HUMAN BURIAL PURPOSES, AS A SPECIAL CLASS OF PROPERTY FOR TAXATION PURPOSES", for further consideration by the House of Representatives.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Harris moves that the vote by which the Committee Substitute bill passes its second reading be reconsidered, which motion prevails.

Senator Harris offers a motion that the Committee Substitute bill be returned to the House of Representatives which motion prevails, and the Chair orders the Committee Substitute bill returned to the House of Representatives for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 409
(House Committee Substitute)

House of Representatives
July 27, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to Senate Bill No. 409, A BILL TO BE ENTITLED AN ACT TO PROHIBIT RETROACTIVE MODIFICATION OF PAST DUE CHILD SUPPORT PAYMENTS AND TO GIVE VESTED PAST DUE CHILD SUPPORT THE JUDGMENT EFFECT REQUIRED BY FEDERAL LAW CONSISTENT WITH DUE PROCESS OF LAW AND WITH EXISTING REQUIREMENTS FOR THE DOCKETING OF SUCH JUDGMENTS AND TO CLARIFY WHEN A DOMESTIC VIOLENCE ARREST MAY BE MADE WITHOUT A WARRANT, the Speaker has appointed as conferees on the part of the House, Representatives Hackney, Payne, and Easterling to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

S.B. 416
(House Committee Substitute)

House of Representatives
July 27, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House Committee Substitute for Senate Bill No. 416, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTINUING PARTICIPATION IN THE 1990 REDISTRICTING DATA PROGRAM OF THE U.S. BUREAU OF THE CENSUS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR (Continued)

H.B. 607, a bill to make technical amendments regarding apportionment of the federal estate tax burden, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1223, a bill to permit large urban counties to use property tax funds for personnel costs related to planning and administration of housing rehabilitation programs already authorized by law, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--37.

Voting in the negative: Senator Johnson of Cabarrus--1.

The bill is ordered enrolled.

H.B. 432 (Senate Committee Substitute No. 2), a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly, the Senate, or the House of Representatives, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

Voting in the negative: Senator Bryan--1.

The Senate Committee Substitute bill No. 2 remains on the Calendar for tomorrow for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 784 (House Committee Substitute), an act to provide that physicians who dispense prescription drugs must register and comply with pharmacy regulations. (Ch. 687)

H.B. 774, an act to establish a "no-wake" speed zone for motorboats at Sunset Harbor and the Village of Bald Head Island. (Ch. 688)

H.B. 1033, an act creating the offense of interfering with an emergency radio communication. (Ch. 690)

H.B. 1088 (Committee Substitute), an act to provide for Clerks of Superior Court to notify the Board of Elections of felony convictions. (Ch. 691)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 384, a bill to repeal the Charter of the inactive Town of Gold Point, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 384** (House Committee Substitute), a bill to repeal the Charter of the inactive Town of Gold Point, to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll, and to amend the Charter of the Town of Elkin concerning maintenance of sidewalks.

Referred to **Local Government and Regional Affairs II Committee.**

CALENDAR (Continued)

H.B. 1262 (Senate Committee Substitute), a bill to make technical and clarifying changes to the Clean Detergent Act, as amended, upon third reading.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Speed, the Senate concurs in House Amendment No. 1, upon second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--44.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 792 (House Committee Substitute), a bill to authorize all counties and cities to convey property in lieu of appropriating funds, for concurrence in the House Committee Substitute bill.

On motion of Senator Seymour, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

H.B. 27 (Committee Substitute)

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 27** (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for House Bill 27, third edition engrossed, A BILL TO BE ENTITLED AN ACT REGULATING PEDDLERS, ITINERANT MERCHANTS, FLEA MARKET VENDORS AND FLEA MARKET OPERATORS, wish to report as follows: The House concurs in Senate Amendment #1, with an amendment as follows:

rewrite Senate Amendment #1 to read:

"amend the bill on page 1 line 1 through page 5 line 19 by deleting those lines and substituting the text of the attached proposed conference committee substitute PCCS 2279."

A BILL TO BE ENTITLED

AN ACT REGULATING PEDDLERS, ITINERANT MERCHANTS, FLEA MARKET VENDORS AND FLEA MARKET OPERATORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-53 is amended in the catch line by inserting immediately before the word "and" the words "flea market vendors".

Sec. 2. G.S. 105-53(b) is amended by deleting the third sentence of that subsection and substituting the following sentence:

"An itinerant merchant's license is not required to engage in the business of a flea market vendor at a location licensed as a flea market under subsection (c) of this section."

Sec. 3. G.S. 105-53(d) is rewritten to read as follows:

"(e) Exemptions. This section does not apply to the following:

(1) A peddler, itinerant merchant, or flea market vendor:

a. who sells farm or nursery products produced by him.

b. who sells crafts or goods made by him or his own household personal property;

c. who is a nonprofit charitable, educational, religious, scientific, or civic organization;

d. who sells printed material, wood for fuel, ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cakes, or pies; or

e. who is an authorized automobile dealer licensed pursuant to Chapter 20 of the General Statutes.

(2) A peddler who maintains a fixed permanent location from which he makes at least ninety percent (90%) of his sales, but who sells some goods in the county of his fixed location by peddling.

(3) An itinerant merchant:

a. who locates at a farmer's market;

b. who is part of the State Fair or an agriculture fair which is licensed by the Commissioner of Agriculture pursuant to G.S. 106- 520.3; or

c. who sells goods at an auction conducted by an auctioneer licensed pursuant to Chapter 85B of the General Statutes.

(4) A peddler who complies with the requirements of G.S. 25A-38 through G.S. 25A-42, or who complies with the requirements of G.S. 14-401.13."

Sec. 4. G.S. 105-53 is amended by adding a new subsection (d) as follows:

"(d) Flea Market Vendor. Every person engaged in business as a flea market vendor shall obtain a license from the Secretary of Revenue for the privilege of engaging in such business and shall pay an annual tax of twenty-five dollars ($25.00) for a statewide license. A 'flea market vendor' is a merchant, other than a merchant with an established retail store in the county, who transports an inventory of goods to a flea market licensed under subsection (c) of this section and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail. A 'flea market' is a location, other than a permanent retail store or the enclosed area of a mall or shopping center, where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail."

Sec. 5. G.S. 105-53(g) is deleted and G.S. 105-53(e) is redesignated G.S. 105-53(g) and is amended by adding the words "County Exemption." immediately before the words "The board" the first time they appear and by adding the words "upon peddlers, itinerant merchants and flea market vendors" after the word "levied", and by substituting the word "sell" for the word "peddle".

Sec. 6. G.S. 105-53 is amended by adding the following new subsections:

"(h) Information to Department of Revenue. When a peddler, itinerant merchant, flea market vendor or flea market operator applies to the Department of Revenue for a license, he shall provide the name and permanent address of the peddler, itinerant merchant, flea market vendor or flea market operator. In providing this information, if the peddler, itinerant merchant, flea market vendor or flea market operator is not a corporation, he must provide a copy of a valid driver's license, a special identification card issued under G.S. 20-37.7, military identification or a passport bearing a physical description of the person named reasonably describing the peddler, itinerant merchant, flea market vendor or flea market operator. If the peddler, itinerant merchant, flea market vendor or flea market operator is incorporated, he shall give the name and the registered agent of the corporation and the address of the registered office of the corporation, as filed with the North Carolina Secretary of State.

(i) Display and Possession of Licenses. An itinerant merchant or flea market vendor shall keep both the license required by this section and the retail sales tax license

conspicuously and prominently displayed, so as to be visible for inspection by patrons of the itinerant merchant or flea market vendor, at the places or locations at which the goods are to be sold or offered for sale. A peddler shall have the license required by this section and the retail sales tax license with him at all times he offers goods for sale and must produce them upon the request of any person. A flea market operator shall have the license required by this section available for inspection during all times that the flea market is open and must produce it upon the request of any person.

(j) Permission of Property Owner. An itinerant merchant or a peddler who travels from place to place by vehicle, in addition to other requirements of this section, shall obtain a written statement signed by the owner or lessee of any property upon which the itinerant merchant or peddler offers goods for sale giving the owner's or lessee's permission to offer goods for sale upon the property of the owner or lessee. Such statement shall clearly state the name of the owner or lessee, the location of the premises for which the permission is granted, and the dates during which the permission is valid. Further, such statement shall be conspicuously and prominently displayed, so as to be visible for inspection by patrons of the itinerant merchant or peddler, at the places or locations at which the goods are to be sold or offered for sale.

(k) Flea Market Registration List. A flea market operator shall maintain a daily registration list of all flea market vendors selling or offering goods for sale at the flea market. This registration list shall clearly and legibly show the flea market vendor's name, permanent address and the flea market vendor's statewide flea market vendor's license number. If the flea market vendor is exempt from licensing under subsections (e) or (g), the list shall show the reason for exemption and be signed by the flea market vendor and the flea market operator. At the time of registration, the flea market operator must require the flea market vendor to exhibit a valid flea market vendor's license or county exemption certificate and retail sales tax license for visual inspection by the flea market operator. Each daily registration list maintained pursuant to this subsection shall be retained by the flea market operator for no less than two years and shall at any time be made available upon request to any law enforcement officer.

(l) Penalty. It shall be a misdemeanor, punishable by imprisonment of up to 30 days, a fine of up to two hundred dollars ($200.00), or both, for a person to:

(1) Fail to obtain a license as required by this section;

(2) Knowingly give false information in the application process for a license or when registering pursuant to subsection (k);

(3) If the person is an itinerant merchant or flea market vendor, fail to display the license as required by subsection (i) or if the person is a peddler or flea market operator, fail to produce the license as required by subsection (i) or if the person is required to do so, fail to comply with subsection (j). Whenever satisfactory evidence shall be presented in any court of the fact that a license was required by this section and such license was not displayed or produced as required by subsection (i), or that permission was required by subsection (j) of this section and was not displayed, the peddler, itinerant merchant, flea market vendor or flea market operator shall be found not guilty of that violation provided he produces in court a valid license or valid permission which had been issued prior to the time he was charged with such violation; or

(4) If the person is a flea market operator, fail to comply with subsection (k) or knowingly allow a flea market vendor to falsely register as exempt under subsection (k).

(m) Local License. Counties and cities may levy a license tax on a business taxed under this section in an amount that does not exceed the State tax. Further, this section does not affect the authority of a county or city to impose additional requirements on peddlers, itinerant merchants, flea market vendors or flea market operators by an ordinance adopted under G.S. 153A-125 or G.S. 160A-178."

Sec. 7. G.S. 153A-125 is amended in the catch line by adding the words "flea markets" before the word "and", and is further amended in the first sentence by adding the following words after the word "peddlers,": "flea market operators and flea market vendors".

Sec. 8. G.S. 160A-178 is amended in the catch line by adding the words "flea markets" before the word "and", and is further amended in the first sentence by adding the following words after the word "peddlers,": "flea market operators and flea market vendors".

Sec. 9. G.S. 105-112 is amended by adding a new subsection (d) to read:

"(d) The provisions of this section notwithstanding, violations of G.S. 105-53 shall be punished as provided for in that section."

Sec. 10. All references to any part of G.S. 105-53 in this bill are as it is rewritten by Chapter 213, Session Laws of 1987.

Sec. 11. This act shall become effective July 1, 1988.

The Senate recedes from its Amendments #2 and #3, as they are now incorporated in Amendment #1.

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/Henson P. Barnes	S/Charles Beall
S/Ted Kaplan	S/Donald Dawkins
S/James E. Ezzell, Jr.	S/John T. Upchurch
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The Chair rules the Conference Report material and declares submission of the Report constitutes the first reading of the House Committee Substitute bill and orders the Conference Report placed on the Calendar for tomorrow, Wednesday, July 29, for adoption upon second reading.

RE-REFERRAL

S.B. 672 (House Committee Substitute), a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts.

Without objection, on motion of Senator Rauch, the House Committee Substitute bill is taken from the **Finance Committee** and re-referred to the **Education Committee.**

WITHDRAWAL FROM COMMITTEE

S.B. 384 (House Committee Substitute), a bill to repeal the Charter of the inactive Town of Gold Point, to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll, and to amend the Charter of the Town of Elkin concerning maintenance of sidewalks.

On motion of Senator Hunt of Moore, the rules are suspended, and the House Committee Substitute bill is taken from the **Local Government and Regional Affairs II Committee** and is placed on the Calendar for tomorrow for concurrence.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

H.B. 670 (Committee Substitute), a bill to amend the premium tax statute for risk retention groups; to provide an orderly procedure for the payment of premium taxes on insurance provided to purchasing groups; to provide for more adequate information about regulation of risk retention and purchasing groups to be given to their members; to rewrite the surplus lines premium tax exemption; and to reinstate the procedures for and premium tax on independently procured insurance, with a favorable report.

On motion of Senator Parnell, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 785 (Committee Substitute), a bill to make technical corrections to the insurance law and to assist insureds in replacing coverage from insolvent insurance companies, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is placed on the Calendar for Monday, August 3, for further consideration.

By Senator Barnes for the **Judiciary I Committee**:

H.B. 285 (Committee Substitute), a bill to require hospitals to establish protocols for organ procurement, with a favorable report.

H.B. 835 (Committee Substitute), a bill to establish a Corrections Administrative Remedy Procedure, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 30, for further consideration.

By Senator Guy, Chairman for the **State Government Committee**, submits the following report:

Executive Orders issued by Governor Martin and referred to the Committee on State Government have been reviewed by the Committee. Other than Executive Order Number 35, which was re-referred to the Appropriations Committee on April 15, 1987, no action is recommended.

WITHDRAWAL FROM COMMITTEE

S.B. 630 (House Committee Substitute), a bill to allow the City of Hickory to impose facility fees.

On motion of Senator Rauch, the rules are suspended and the House Committee Substitute bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow.

On motion of Senator Harrington, seconded by Senator Ward, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-SECOND DAY

SENATE CHAMBER,
Wednesday, July 29, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Conder, McDuffie, Royall, and Winner.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 792 (House Committee Substitute), an act to authorize all counties and cities to convey property in lieu of appropriating funds. (Ch. 692)

H.B. 541 (Senate Committee Substitute), an act to eliminate the death penalty for persons under the age of seventeen. (Ch. 693)

H.B. 607, an act to make technical amendments regarding apportionment of the federal estate tax burden. (Ch. 694)

H.B. 637 (Senate Committee Substitute), an act to amend the definition of abused juveniles in Chapter 7A. (Ch. 695)

H.B. 725, an act concerning traffic regulations at the Greensboro/High Point/Winston-Salem Regional Airport. (Ch. 696)

H.B. 1223, an act to permit large urban counties to use property tax funds for personnel costs related to planning and administration of housing rehabilitation programs already authorized by law. (Ch. 697)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston for the **Transportation Committee**:

S.B. 825 (House Committee Substitute), a bill to provide relief from the weight limitations for garbage haulers, with a favorable report, as to concurrence.

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars, with a favorable report.
On motion of Senator Goldston, the bill is re-referred to the **Finance Committee**.

By Senator Harris for the **Human Resources Committee**:

S.B. 229 (House Committee Substitute), a bill to amend the North Carolina Drinking Water Act, with a favorable report, as to concurrence.

S.B. 754, a bill to give local health directors the authority to impose administrative penalties for violations of local board of health rules, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Harris, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Rauch for the **Finance Committee**:

H.B. 910, a bill to exempt private lands exclusively used for storm drainage purposes from special assessments in Brunswick County, with a favorable report.

S.B. 762, a bill forbidding the placing of solid-radioactive waste from outside North Carolina without prior inspection and certification by the North Carolina Department of Human Resources, with a favorable report, as amended.

H.B. 24, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions, and to make technical changes in the income tax statutes necessitated by the Tax Reform Act of 1986, with a favorable report, as amended.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

H.B. 1166 (Committee Substitute), a bill to amend the law regarding food, drugs, and cosmetics, with a favorable report, as amended.

H.B. 1211 (Committee Substitute No. 2), a bill to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system, with a favorable report, as amended.

H.B. 1142 (Committee Substitute), a bill to make technical changes to the Revenue Laws and Machinery Act, with an unfavorable report as to House Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Rauch, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

CONFERENCE REPORTS

S.B. 416 (House Committee Substitute)

Senator Kaplan, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 416** (House Committee Substitute), a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 416, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTINUING PARTICIPATION IN THE 1990 REDISTRICTING DATA PROGRAM OF THE U.S. BUREAU OF THE CENSUS, wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendments:

(1) on page 3, line 5 delete "any part of the boundary of the city which is actually contiguous to the city" and substitute "any part of the boundary of the area being annexed which is actually contiguous to the city";

(2) further amend page 3, line 12 by deleting "contiguous area", and substituting "area of contiguity between the city and the area being annexed".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/Ted Kaplan	S/Charles Beall
S/Larry Cobb	S/Robert C. Hunter
S/George Daniel	S/Milton F. Fitch, Jr.
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The Chair rules the Conference Report material and declares submission of the Report constitutes the first reading of the House Committee Substitute bill and orders the Conference Report placed on the Calendar for tomorrow, Thursday, July 30, for adoption upon second reading.

H.B. 1008 (Senate Committee Substitute)

Senator Kaplan, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1008** (Senate Committee Substitute), a bill to bring North Carolina into compliance with a court decision concerning straight-ticket voting, and to provide a separate ballot for multi-seat races, except where mechanical voting machines are used, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on SENATE COMMITTEE SUBSTITUTE FOR HB 1008, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA INTO COMPLIANCE WITH A COURT DECISION CONCERNING STRAIGHT-TICKET VOTING, AND TO PROVIDE A SEPARATE BALLOT FOR MULTI-SEAT RACES, EXCEPT WHERE MECHANICAL VOTING MACHINES ARE USED, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

on page 11, lines 10 through 17, rewrite those lines to read:

"Sec. 12.1. Notwithstanding any other provision of this act, in the case of a multi-seat race, if a voter votes a straight-party ticket, and also votes for individual candidates of that party but not for individual candidates of another party, the ballot shall be counted for all the candidates for that multi-seat race of the party whose straight-ticket has been marked. The State Board of Elections shall by regulation amend the instructions provided by this act to effectuate this section.

Sec. 12.2. The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, or is unenforceable under Section 5 of the Voting Rights Act of 1965, the invalidity or unenforceability shall not affect other provisions of this act which can be given effect without the invalid or unenforceable provision."

And the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 29, 1987

This the day of

S/Ted Kaplan
S/William D. Goldston, Jr.
S/Marshall A. Rauch
S/Mary P. Seymour

Conferees on the part of the Senate

S/Charles M. Beall
S/George W. Miller
S/Robert C. Hunter
S/Milton F. Fitch, Jr.
S/Donald M. Dawkins

Conferees on the part of the House of Representatives

On motion of Senator Kaplan, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1208
(Senate Committee Substitute)

House of Representatives
July 28, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to House Bill No. 1208, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 50B BY CLARIFYING THE DEFINITION OF BODILY INJURY FOR CHILDREN IN DOMESTIC VIOLENCE CASES, BY ALLOWING THE FILING OF A MOTION IN CERTAIN EXISTING ACTIONS FOR DOMESTIC VIOLENCE RELIEF, AND BY REQUIRING NOTICE OF HEARINGS FOR EMERGENCY RELIEF, and requests conferees. The Speaker has appointed Representatives Hackney, Easterling, and Kerr on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

Senator Sands moves that the President appoint conferees, which motion prevails. The President appoints Senators Sands, Swain, and Daniel as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 927
(Committee Substitute)

House of Representatives
July 28, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to House Bill Committee Substitute No. 927, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STATE BE POSTED AND THAT CURRENT STATE EMPLOYEES RECEIVE PRIORITY CONSIDERATION FOR PROMOTIONS OVER OUTSIDE APPLICANTS WITH EQUAL QUALIFICATIONS, and requests conferees. The Speaker has appointed Representatives Jones, Woodard, and Stamey on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

Senator Sands moves that the President appoint conferees, which motion prevails. The President appoints Senators Taft, Sands, and Hunt of Moore as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, Conference Report for adoption, upon second reading.

On motion of Senator Barnes, the Conference Report submitted Tuesday, July 28, is adopted upon second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--43.

Voting in the negative: Senator Johnson of Cabarrus--1.

The Chair orders the Conference Report placed on the Calendar for tomorrow, Thursday, July 30, for adoption, upon third reading.

S.B. 384 (House Committee Substitute), a bill to repeal the Charter of the inactive Town of Gold Point, to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll, and to amend the Charter of the Town of Elkin concerning maintenance of sidewalks, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Martin of Pitt, consideration of the House Committee Substitute bill is postponed until Tuesday, August 4.

S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, for concurrence in House Amendment No. 1, upon second reading.

Senator Sands moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Sands, Hunt of Moore, and Goldston as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 630 (House Committee Substitute), a bill to allow the City of Hickory to impose facility fees, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Allran, the Senate concurs in the House Committee Substitute bill upon second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 432 (Senate Committee Substitute No. 2), a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by

the General Assembly, the Senate, or the House of Representatives, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren --44.

Voting in the negative: Senator Bryan--1.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 835 (Committee Substitute), a bill to amend provisions regarding the second injury fund under the Workers' Compensation Act, upon second reading.

The Chair announces the fiscal note requested on Monday, July 27, has not been received.

Senator Goldston offers a motion that the Committee Substitute bill be re-referred to the **Judiciary IV Committee**, which motion prevails (electronically recorded).

H.B. 285 (Committee Substitute), a bill to require hospitals to establish protocols for organ procurement, as amended, with Amendment No. 2 pending.

Without objection, Senator Barker withdraws Amendment No. 2.

On motion of Senator Barnes, Amendment No. 3 recommended by the **Judiciary I Committee** is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 3.

H.B. 726 (Senate Committee Substitute), a bill to provide for the SBI to investigate crimes concerning civil disorder.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Swain objects to the third reading of the Senate Committee Substitute bill, which objection he subsequently withdraws.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 933, a bill to authorize continuance of the open seasons for foxes established in accordance with Chapter 1203 Session Laws 1981 (Regular Session 1982).

On motion of Senator Tally, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 222, a bill to make technical corrections to the property tax statutes concerning appraisal at use value, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Speed, the Senate concurs in House Amendment No. 1 upon third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch,

Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--45.

Voting in the negative: None.

The bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1008
(Senate Committee Substitute)

House of Representatives
July 29, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for HB 1008, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA INTO COMPLIANCE WITH A COURT DECISION CONCERNING STRAIGHT-TICKET VOTING, AND TO PROVIDE A SEPARATE BALLOT FOR MULTI-SEAT RACES, EXCEPT WHERE MECHANICAL VOTING MACHINES ARE USED, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CONFERENCE REPORT

H.B. 927 (Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 927** (Committee Substitute), a bill to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for House Bill 927, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STATE JOB VACANCIES BE POSTED AND THAT CURRENT STATE EMPLOYEES RECEIVE PRIORITY CONSIDERATION FOR PROMOTIONS OVER OUTSIDE APPLICANTS WITH EQUAL QUALIFICATIONS, wish to report as follows: The Senate recedes from its Amendment # 1, and the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 29th day of July, 1987.

S/A. P. Sands
S/Wanda H. Hunt
S/Thomas F. Taft

Conferees on the part of the Senate

S/Walter B. Jones, Jr.
S/Barney P. Woodard
S/Peggy Stamey

Conferees on the part of the House of Representatives

On motion of Senator Sands, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the **Judiciary I Committee:**

S.B. 714, a bill to abolish the rule in Shelley's case, with a favorable report, as to concurrence.

On motion of Senator Harrington, seconded by Senator Guy, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-THIRD DAY

SENATE CHAMBER,
Thursday, July 30, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, help us as we live each day to forget the importance of ourselves. Help us to be sincere in all the things that we do. Let us be aware that our reason for being here is to serve others. Our Father, help us to realize that everything that we do for You must be done for others. Make us realize that the actions taken by this General Assembly result from the combination of our individual actions. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Conder, Hardison, Johnson of Wake, Martin of Pitt, McDuffie, Parnell, and Winner, and to Senator Sherron, due to a death in his family.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 144 (Committee Substitute), a bill to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes.

Without objection, the Committee Substitute bill is placed on the Calendar for tomorrow.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 323 (Committee Substitute), a bill to change the effective date of the life care center certificate of need modification law, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

S.B. 711, a bill to permit members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase creditable service for federal employment and public service employment funded by the federal government, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

S.B. 781 (House Committee Substitute), a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map, for concurrence in the House Committee Substitute bill.

Referred to **Local Government and Regional Affairs I Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee:**

H.B. 458 (Committee Substitute), a bill to amend the communicable disease law, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Harris, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, August 4, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 166

House of Representatives
July 29, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment #3 to House Bill No. 166, A BILL TO BE ENTITLED AN ACT TO PROVIDE MATCHING FUNDS TO REDUCE RURAL FIRE INSURANCE RATES, and requests conferees. The Speaker has appointed Representatives B. Brown, Wicker, and Hardaway on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Kaplan moves that the President appoint conferees, which motion prevails. The President appoints Senators Kaplan, Parnell, and Harrington as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 423

House of Representatives
July 29, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to S.B. No. 423, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ELKIN, the Speaker has appointed as conferees on the part of the House, Representatives Diamont, Wilmoth, McAlister, Judy Hunt, and Mavretic to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

H.B. 927
(Committee Substitute)

House of Representatives
July 29, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute Bill No. 927, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STATE JOB VACANCIES BE POSTED AND THAT CURRENT STATE EMPLOYEES RECEIVE PRIORITY CONSIDERATION FOR PROMOTIONS OVER OUTSIDE APPLICANTS WITH EQUAL QUALIFICATIONS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

RE-REFERRAL

S.B. 1402, a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, as amended.

On motion of Senator Speed, the rules are suspended, and the bill, as amended, is taken from the **Appropriations Committee** and re-referred to the **Finance Committee.**

CONFERENCE REPORT

H.B. 166 (Committee Substitute)

Senator Kaplan, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 166** (Committee Substitute), a bill to provide matching funds to reduce rural fire insurance rates, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on C.S. for HB 166 (3rd Ed. Engrossed 5/26/87 as amended) Senate Amendment #3. "A BILL TO BE ENTITLED AN ACT TO PROVIDE MATCHING FUNDS TO REDUCE RURAL FIRE INSURANCE RATES," wish to report as follows:

change Sept. 15, 1987 to January 1, 1988 and change March 15, to May 1 each time it appears

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/Ted Kaplan	S/Brewster W. Brown
S/David R. Parnell	S/Thomas C. Hardaway
S/J.J. Harrington	S/Dennis A. Wicker
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Kaplan, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 27 (Committee Substitute), a bill regulating peddlers, itinerant merchants, flea market vendors and flea market operators, Conference Report for adoption, upon third reading.

On motion of Senator Barnes, the Conference Report submitted Tuesday, July 28, is adopted upon third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Martin of Guilford, Marvin, Rand, Rauch, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--35.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 222, an act to make technical corrections to the property tax statutes concerning appraisal at use value. (Ch. 698)

S.B. 315, an act to clarify the law regarding payment of costs in Department of Human Resources institutions. (Ch. 699)

H.B. 979 (Committee Substitute), an act to create a general offense of trespass that replaces miscellaneous trespass offenses. (Ch. 700)

H.B. 1004 (Senate Committee Substitute), an act to regulate beach bingo. (Ch. 701)

H.B. 1241, an act to prevent the discharge of employees because they are called for jury duty. (Ch. 702)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hipps for the **Children and Youth Committee:**

S.B. 602 (House Committee Substitute), a bill to protect children placed for adoption by requiring notice and investigation, with a favorable report, as to concurrence.

CALENDAR (Continued)

S.B. 416 (House Committee Substitute), a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, Conference Report for adoption, upon second reading.

On motion of Senator Kaplan, the Conference Report submitted Wednesday, July 29, is adopted upon second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Ward, and Warren--37.

Voting in the negative: None.

The Chair orders the Conference Report placed on the Calendar for tomorrow, Friday, July 31, for adoption, upon third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Plyler moves that Rule 40 be suspended to allow the introduction of the following bill which motion prevails by a two-thirds majority vote.

By Senators Plyler and Rand:

S.B. 1556, a bill to extend the effect of certain budgetary and other provisions due to expire.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CALENDAR (Continued)

H.B. 910, a bill to exempt private lands exclusively used for storm drainage purposes from special assessments in Brunswick County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 630 (House Committee Substitute), a bill to allow the City of Hickory to impose facility fees, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Rauch, the Senate concurs in the House Committee Substitute bill, upon third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 1142 (Senate Committee Substitute), a bill to make technical changes to the Revenue Laws and Machinery Act, upon second reading.

Senator Rauch offers Amendment No. 1, held not to be material, which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--38.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1166 (Committee Substitute), a bill to amend the law regarding food, drugs, and cosmetics, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Warren--38.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1211 (Committee Substitute No. 2), a bill to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system, upon second reading.

On motion of Senator Rauch, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

Senator Bryan offers Amendment No. 4, which he subsequently withdraws.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Royall, Sands, Seymour, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--37.

Voting in the negative: Senator Richardson--1.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.B. 1556, an act to extend the effect of certain budgetary and other provisions due to expire. (Ch. 703)

CALENDAR (Continued)

S.B. 762, a bill forbidding the placing of solid non-radioactive waste from outside North Carolina without prior inspection and certification by the North Carolina Department of Human Resources, as amended.

On motion of Senator Rauch, Committee Amendment No. 4 is adopted, which changes the title to read, **S.B. 762**, a bill forbidding the placing of solid non-radioactive waste from outside North Carolina without prior inspection and certification.

The bill, as amended, passes its second reading (electronically recorded).

Senator Rauch objects to the third reading of the bill, as amended, which objection he subsequently withdraws.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H.B. 835 (Senate Committee Substitute), a bill to establish a Corrections Administrative Remedy Procedure.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 229 (House Committee Substitute), a bill to amend the North Carolina Drinking Water Act, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 714 (House Committee Substitute), a bill to abolish the rule in Shelley's case, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 825 (House Committee Substitute), a bill to provide relief from the weight limitations for garbage haulers, for concurrence in the House Committee Substitute bill.

On motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

S.B. 172 (House Committee Substitute)

Senator Rauch, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 172** (House Committee Substitute), a bill to amend the Workers' Compensation Act, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute 4th ed for Senate Bill 172, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT, wish to report as follows: The Senate concurs in the House Comm. Substitute, 4th edition engrossed with the following amendments:

on page 1, line 16 through page 2, line 16 rewrite those lines to read:

"(18) Hernia. In all claims for compensation for hernia or rupture, resulting from injury by accident arising out of and in the course of the employee's employment, it must be definitely proven to the satisfaction of the Industrial Commission:

a. That there was an injury resulting in hernia or rupture.
b. The the hernia or rupture appeared suddenly.
~~c. That it was accompanied by pain.~~
d. That the hernia or rupture immediately followed an accident. Provided however, a hernia shall be compensable under this Article if it arises out of and in the course of the employment and is the direct result of a specific traumatic incident of the work assigned.
e. That the hernia or rupture did not exist prior to the accident for which compensation is claimed.

All hernia or rupture, inguinal, femoral or otherwise, so proven to be the result of an injury by accident arising out of and in the course of employment, shall be treated in a surgical manner by a radical operation. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of G.S. 97-38. In nonfatal cases, if it is shown by special examination, as provided in G.S. 97-27, that the injured employee has a disability resulting after the operation, compensation for such disability shall be paid in accordance with the provisions of this Article.

In case the injured employee refuses to undergo the radical operation for the cure of said hernia or rupture, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease, or is otherwise in such physical condition that the Commission considers it unsafe for the employee to undergo said operation, the employee shall be paid compensation in accordance with the provisions of this Article."

further amend on page 11, lines 11 through 20 by deleting these lines;

further amend on page 11, line 21 by renumbering Section 19 as Section 18;

further amend on page 11, line 22 by deleting "17, and 18" and substituting "and 17".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/R. L. Martin
S/Thomas F. Taft
S/A. P. Sands
S/M. A. Rauch
S/Paul S. Smith

Conferees on the part of the Senate

S/Daniel T. Blue, Jr.
S/Martin Nesbitt
S/Charles M. Beall
S/Sharon Thompson

Conferees on the part of the House of Representatives

Without objection, on motion of Senator Taft, the Conference Report is placed on the Calendar for tomorrow, Friday, July 31, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 27
(Committee Substitute)

House of Representatives
July 30, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House C.S.B. No. 27, A BILL TO BE ENTITLED AN ACT REGULATING PEDDLERS, ITINERANT MERCHANTS, FLEA MARKET VENDORS AND FLEA MARKET OPERATORS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 166
(Committee Substitute)

House of Representatives
July 30, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute Bill No. 166, A BILL TO BE ENTITLED AN ACT TO PROVIDE MATCHING FUNDS TO REDUCE RURAL FIRE INSURANCE RATES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 1158
(Committee Substitute)

House of Representatives
July 30, 1987

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives has passed the following bill and asks the concurrence of your Honorable Body therein:

H.B. 1158 (Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges.

Referred to **Insurance Committee.**

On motion of Senator Harrington, seconded by Senator Basnight, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED TWENTY-FOURTH DAY

SENATE CHAMBER,
Friday, July 31, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Leslie Giles, Minister of Ephesus Baptist Church, Cary, as follows:

"Almighty God, we thank Thee for this great State of North Carolina, and for these who serve in this special capacity in state government. We pray that You would grant special wisdom in times of special need.

"Oh God, as these men and women face the added responsibility of leadership, we pray that they might feel the added strength and power that only You can give. May we who surround them as citizens also support them with our prayers and concerns.

"Our Father, we also pray for the family members of these who serve here. Be especially near to loved ones who must be separated because of the sacrifice of service.

"Now may Thy Holy Spirit grant both peace and power to each person present. In Christ's Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Basnight, due to family obligations, to Senators Conder, Johnson of Wake, McDuffie, Royall, and Smith, and to Senator Staton for the stated reason, "prior engagement with my wife and I want to stay married. I thought we would be away by this time."

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 754 (Committee Substitute), a bill to give local health directors the authority to impose administrative penalties for violations of local board of health rules, with a favorable report.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Thursday, August 6.

H.B. 670 (Committee Substitute), a bill to amend the premium tax statute for risk retention groups; to provide an orderly procedure for the payment of premium taxes on insurance provided to purchasing groups; to provide for more adequate information about regulation of risk retention and purchasing groups to be given to their members; to rewrite the surplus lines premium tax exemption; and to reinstate the procedures for and premium tax on independently procured insurance, with a favorable report.

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars, with a favorable report.

S.B. 417, a bill making technical and clarifying amendments to the revenue laws, with a favorable report, as amended.

S.B. 1402, a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, August 3, for further consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1224, a bill to empower local governments to assess civil penalties for violations of air pollution control requirements.

Referred to **Finance Committee**.

S.B. 393 (House Committee Substitute), a bill to provide for return of clients to 24-hour facilities, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Monday, August 3.

S.B. 449, a bill to authorize and to regulate the withdrawal or transfer of an assumed name as recommended by the General Statutes Commission, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for Monday, August 3.

S.B. 475 (House Committee Substitute), a bill to make certain changes in the involuntary commitment of substance abusers, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Monday, August 3.

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for Monday, August 3.

S.B. 513 (House Committee Substitute), a bill to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws, for concurrence in the House Committee Substitute bill.

Referred to **Insurance Committee**.

S.B. 777 (Committee Substitute), a bill to strengthen joint custody where custody of children is at issue, for concurrence in the House Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Sands moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Marvin, Sands, and Tally as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CONFERENCE REPORT

H.B. 137

Senator Swain, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 137** (Committee Substitute), a bill to amend the Statutes relating tc professional bail bondsmen and runners, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 137 (3rd edition as amended, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES RELATING TO PROFESSIONAL BAIL BONDSMEN AND RUNNERS, wish to report as follows:

Whereas, a Joint Legislative Research Commission was authorized to study the problems existing with the General Statutes concerning bail bondsmen, bail bond forfeiture, and pretrial release; and

Whereas, $4,047.50 of authorized general funds were spent on this study leading to the introduction of House Bill 137; and

Whereas, important changes covered in this bill can be made effective through the Department of Insurance beginning October 1, 1987; Now, therefore,

The House concurs in Senate Amendments No. 1 and No. 2.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 25th day of July, 1987.

S/Robert S. Swain	S/J. Fred Bowman
S/Alexander P. Sands	S/Harry E. Payne, Jr.
S/George B. Daniel	S/Gerald L. Anderson
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Swain, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 416 (House Committee Substitute), a bill to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census, Conference Report for adoption, upon third reading.

On motion of Senator Kaplan, the Conference Report submitted Wednesday, July 29 is adopted upon third reading by roll-call vote, ayes 27, noes 0 as follows:

Voting in the affirmative: Senators Block, Cobb, Daniel, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Parnell, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Swain, Taft, Tally, Walker, Ward, and Warren--27.

Voting in the negative: None.

The Chair orders the House Committee Substitute bill enrolled and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 172 (House Committee Substitute), a bill to amend the Workers' Compensation Act, Conference Report for adoption.

The Chair holds the Conference Report material, and the Conference Report remains before the Senate for further consideration upon second reading.

On motion of Senator Taft, the Conference Report submitted Thursday, July 30, is adopted upon second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Sands, Seymour, Shaw, Sherron, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--33.

Voting in the negative: None.

The Chair orders the Conference Report placed on the Calendar for Monday, August 3, for adoption, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 927 (Committee Substitute), an act to require that State job vacancies be posted and that current State employees receive priority consideration for promotions over outside applicants with equal qualifications. (Ch. 689)

S.B. 229 (House Committee Substitute), an act to amend the North Carolina Drinking Water Act. (Ch. 704)

S.B. 630 (House Committee Substitute), an act to allow the City of Hickory to impose facility fees. (Ch. 705)

S.B. 714 (House Committee Substitute), an act to abolish the rule in Shelley's case. (Ch. 706)

S.B. 825 (House Committee Substitute), an act to provide relief from the weight limitations for garbage haulers. (Ch. 707)

H.B. 27 (Committee Substitute), an act regulating peddlers, itinerant merchants, flea market vendors and flea market operators. (Ch. 708)

H.B. 166 (Committee Substitute), an act to provide matching funds to reduce rural fire insurance rates. (Ch. 709)

H.B. 831 (Senate Committee Substitute), an act to increase the fees set and collected by the State Board of Mortuary Science. (Ch. 710)

H.B. 895 (Senate Committee Substitute), an act to provide for the removal from a county fire service district of any area annexed by a municipality, and providing for proration of taxation, in a manner similar to that provided for fire protection districts organized under Chapter 69 of the General Statutes, and to allow annexation to a rural fire protection district of areas within the corporate limits of a municipality. (Ch. 711)

H.B. 910, an act to exempt private lands exclusively used for storm drainage purposes from special assessments in Brunswick County. (Ch. 712)

H.B. 1008 (Senate Committee Substitute), an act to bring North Carolina into compliance with a court decision concerning straight-ticket voting, and to provide a separate ballot for multi-seat races, except where mechanical voting machines are used. (Ch. 713)

CALENDAR (Continued)

H.B. 1142 (Senate Committee Substitute), a bill to make technical changes to the Revenue Laws and Machinery Act, as amended, upon third reading.

Senator Bryan offers Amendment No. 2 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--33.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1166 (Committee Substitute), a bill to amend the law regarding food, drugs, and cosmetics, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--33.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1211 (Committee Substitute No. 2), a bill to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system, as amended, upon third reading.

On motion of Senator Goldston, consideration of the Committee Substitute bill No. 2 is postponed until Monday, August 3.

H.B. 144 (Committee Substitute), a bill to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--33.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, August 3, for further consideration upon third reading.

S.B. 323 (Committee Substitute), a bill to change the effective date of the life care center certificate of need modification law, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

S.B. 602 (House Committee Substitute), a bill to protect children placed for adoption by requiring notice and investigation, for concurrence in the House Committee Substitute bill.

On motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 711, a bill to permit members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase creditable service for federal employment and public service employment funded by the federal government, for concurrence in House Amendment No. 1.

On motion of Senator Parnell, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 137
(Committee Substitute)

House of Representatives
July 31, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S.B. No. 137, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES RELATING TO PROFESSIONAL BAIL BONDSMEN AND RUNNERS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

WITHDRAWAL FROM COMMITTEE

H.B. 1012, a bill to delay the reversion of certain funds appropriated to a specific nonstate agency.

On motion of Senator Plyler, the rules are suspended, without objection, and the bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 94 (Senate Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, as amended.

On motion of Senator Plyler, the rules are suspended, without objection, and the Senate Committee Substitute bill, as amended, is taken from the **Appropriations Committee** and is placed on the Calendar for Monday, August 3.

H.B. 899, a bill to allow cities, towns, and other government units additional time to commit water and sewer grant funds and to revert funds not committed.

On motion of Senator Plyler, the rules are suspended, without objection, and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for Monday, August 3.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 172
(House Committee Substitute)

House of Representatives
July 31, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S. for Senate B. 172, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED TWENTY-FIFTH DAY

SENATE CHAMBER,
Monday, August 3, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his

motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senators Rauch, Sands, and to Senator Winner, due to flight cancellation.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 323 (Committee Substitute), an act to change the effective date of the life care center certificate of need modification law. (Ch. 714)

S.B. 416 (House Committee Substitute), an act to provide for continuing participation in the 1990 Redistricting Data Program of the U.S. Bureau of the Census. (Ch. 715)

S.B. 602 (House Committee Substitute), an act to protect children placed for adoption by requiring notice and investigation. (Ch. 716)

S.B. 711, an act to permit members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase creditable service for federal employment and public service employment funded by the federal government. (Ch. 717)

H.B. 226 (Senate Committee Substitute), an act to prohibit interference with civil rights. (Ch. 718)

H.B. 285 (Committee Substitute), an act to require hospitals to establish protocols for organ procurement. (Ch. 719)

H.B. 752 (Senate Committee Substitute), an act to make technical amendments to the Mental Health, Mental Retardation, and Substance Abuse Act of 1985, conforming changes to the General Statutes and authorizing the Secretary of Human Resources to accept certain federal funds. (Ch. 720)

H.B. 820 (Senate Committee Substitute), an act to provide that legal title to an artifact held by the Department of Cultural Resources Division of Archives and History passes to the Division of Archives and History if the owner of the artifact cannot be located or if ownership of the artifact is unknown, and to clarify the duties of the State Building Commission. (Ch. 721)

H.B. 1012, an act to delay the reversion of certain funds appropriated to a specific nonstate agency. (Ch. 722)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 451, a bill to permit those elderly or disabled individuals whose residence qualifies for the "homestead exemption" to defer payment of tax on this property until the property is transferred.
Referred to **Finance Committee**.

S.B. 412 (Committee Substitute), a bill to modify the licensing of commercial truck drivers, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 412** (House Committee Substitute), a bill to modify

the licensing of commercial truck and public passenger-carrying vehicle drivers, which is placed on the Calendar for tomorrow.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 172 (House Committee Substitute), a bill to amend the Workers' Compensation Act, Conference Report for adoption, upon third reading.

The Chair rules the Conference Report submitted Thursday, July 30, not material and having been adopted Friday, July 31, orders the House Committee Substitute bill enrolled.

H.B. 144 (Committee Substitute), a bill to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1211 (Committee Substitute No. 2), a bill to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: Senator Richardson--1.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

S.B. 417, a bill making technical and clarifying amendments to the revenue laws, upon second reading.

On motion of Senator Harris, consideration of the bill is postponed until tomorrow.

H.B. 94 (Senate Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, as amended, upon second reading.

On motion of Senator Harris, consideration of the Senate Committee Substitute bill is postponed until tomorrow.

S.B. 1402 (Committee Substitute), a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, upon second reading.

Senator Speed offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Education Committee:**

S.B. 672 (House Committee Substitute), a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts, with an unfavorable report, as to concurrence.

CALENDAR (Continued)

H.B. 670 (Committee Substitute), a bill to amend the premium tax statute for risk retention groups; to provide an orderly procedure for the payment of premium taxes on insurance provided to purchasing groups; to provide for more adequate information about regulation of risk retention and purchasing groups to be given to their members; to rewrite the surplus lines premium tax exemption; and to reinstate the procedures for and premium tax on independently procured insurance, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Richardson, Royall, Seymour, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--41.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars, upon second reading.

On motion of Senator Harris, consideration of the bill is postponed until tomorrow.

H.B. 785 (Senate Committee Substitute), a bill to make technical corrections to the insurance law and to assist insureds in replacing coverage from insolvent insurance companies.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 899, a bill to allow cities, towns, and other government units additional time to commit water and sewer grant funds and to revert funds not committed.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer, for concurrence in House Amendments No. 1 and No. 2, upon second reading.

On motion of Senator Harris, consideration of the bill is postponed until tomorrow.

S.B. 393 (House Committee Substitute), a bill to provide for return of clients to 24-hour facilities, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the House Committee Substitute bill is re-referred to the **Human Resources Committee.**

S.B. 449, a bill to authorize and to regulate the withdrawal or transfer of an assumed name as recommended by the General Statutes Commission, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Ezzell, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

S.B. 475 (House Committee Substitute), a bill to make certain changes in the involuntary commitment of substance abusers, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the House Committee Substitute bill is recommitted to the **Human Resources Committee.**

CONFERENCE REPORT

S.B. 466 (House Committee Substitute)

Senator Parnell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 466** (House Committee Substitute), a bill to repeal the sunset provision in the Risk Sharing Plan Act of 1986, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 466 A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION IN THE RISK SHARING PLAN ACT OF 1986, wish to report as follows:

The Senate agrees to the House Committee Substitute with the following amendments:

1. The title of the bill is rewritten to read: "AN ACT TO EXTEND THE SUNSET PROVISION IN THE RISK SHARING PLAN ACT OF 1986.";

2. Designating Sec. 2 as Sec. 3.; and

3. Inserting a new Sec. 2 to read:

"Sec. 2. Article 37 of Chapter 58 of the General Statutes is amended by adding a new section to read:

'§ 58-461. *Expiration.*--This Article shall expire on July 1, 1989.'".

And the House concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/David R. Parnell
S/Joseph E. Johnson
S/Paul S. Smith

Conferees on the part of the Senate

S/R. D. Beard
S/George M. Holmes
S/John C. Hasty

Conferees on the part of the House of Representatives

On motion of Senator Parnell, the Conference Report is adopted (electronically recorded), changing the title upon a like action by the House of Representatives to read, **S.B. 466** (House Committee Substitute), a bill to extend the sunset provision in the Risk Sharing Plan Act of 1986, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President recognizes the following pages serving in the Senate this week: Tracy Cate, Raleigh; Christopher Cheney, Cary; Tina Lynn Cotton, Hubert; Robyn Edwards, Durham; Briles Johnson, Raleigh; Rebecca Jo Jones, Cary; Robert James Koger, Raleigh; Craven Rand, Fayetteville; Jarrett Wilson Southall, Louisburg; Kathryn Taft, Greenville; Sharlena Clay Thomas, Fayetteville; Russell Brent Westbrook, Efland; and Gray Williams, Raleigh.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, August 4, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Father in Heaven, the members of the Senate and all of those who help us with our work, unite in asking for Your blessings, Your guidance and Your help that we faithfully may do what is best for the people of our State. As Your servants, give us the will to work together as a team for the welfare of all. Give us the courage to withstand the pressure of the selfish, and give to the people the vision to see that sacrifice must be shared by all.

"May our only fear be that of failing to do that which we know is right. We need Your help. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Sands and to Senator Soles, who is attending the funeral of John L. Ward.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 384 (House Committee Substitute), a bill to repeal the Charter of the inactive Town of Gold Point, to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll, and to amend the Charter of the Town of Elkin concerning maintenance of sidewalks, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Martin of Pitt, the Senate concurs in the House Committee Substitute bill, upon second reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, and Ward--32.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 672 (House Committee Substitute), a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts, for concurrence in the House Committee Substitute bill.

Senator Bryan moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Warren, Richardson, and Bryan as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 1402 (Committee Substitute), a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, and Warren--37.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 670 (Committee Substitute), a bill to amend the premium tax statute for risk retention groups; to provide an orderly procedure for the payment of premium taxes on insurance provided to purchasing groups; to provide for more adequate information about regulation of risk retention and purchasing groups to be given to their members; to rewrite the surplus lines premium tax exemption; and to reinstate the procedures for and premium tax on independently procured insurance, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, and Warren--43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 417, a bill making technical and clarifying amendments to the revenue laws, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt

of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 94 (Senate Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, as amended, upon second reading.

Senator Winner offers Amendment No. 3.

On motion of Senator Rauch, further consideration of the Senate Committee Substitute bill, with Amendment No. 3 pending, is postponed until tomorrow.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 449, an act to authorize and to regulate the withdrawal or transfer of an assumed name as recommended by the General Statutes Commission. (Ch. 723)

H.B. 144 (Committee Substitute), an act to designate taxable real property, set apart for human burial purposes, as a special class of property for taxation purposes. (Ch. 724)

H.B. 899, an act to allow cities, towns, and other government units additional time to commit water and sewer grant funds and to revert funds not committed. (Ch. 725)

H.B. 933, an act to authorize continuance of the open seasons for foxes established in accordance with Chapter 1203 Session Laws 1981 (Regular Session 1982). (Ch. 726)

CALENDAR (Continued)

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

On motion of Senator Harrington, seconded by Senator Goldston, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, August 5, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 670 (Committee Substitute), an act to amend the premium tax statute for risk retention groups; to provide an orderly procedure for the payment of premium taxes on insurance provided to purchasing groups; to provide for more adequate information about regulation of risk retention and purchasing groups to be given to their members; to rewrite the surplus lines premium tax exemption; and to reinstate the procedures for and premium tax on independently procured insurance. (Ch. 727)

H.B. 137 (Committee Substitute), an act to amend the Statutes relating to professional bail bondsmen and runners. (Ch. 728)

S.B. 172 (House Committee Substitute), an act to amend the Workers' Compensation Act. (Ch. 729)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S.B. 393 (House Committee Substitute), a bill to provide for return of clients to 24-hour facilities, with a favorable report, as to concurrence.

S.B. 475 (House Committee Substitute), a bill to make certain changes in the involuntary commitment of substance abusers, with a favorable report, as to concurrence.

By Senator Barnes for the **Judiciary I Committee**:

S.B. 428 (House Committee Substitute), a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes after one year following final judgment, with a favorable report, as to concurrence.

By Senator Parnell for the **Insurance Committee**:

S.B. 513 (House Committee Substitute), a bill to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws, with a favorable report, as to concurrence.

By Senator Rauch for the Finance Committee:

H.B. 216 (Committee Substitute No. 2), a bill to raise the penalty for failure to list a motor vehicle if the owner has falsely certified, with a favorable report.

H.B. 1224, a bill to empower local governments to assess civil penalties for violations of air pollution control requirements, with a favorable report.

CALENDAR

Bills and Resolutions on the Calendar, carried forward as unfinished business from Tuesday, August 4, are taken up and disposed of as follows:

H.B. 458 (Senate Committee Substitute), a bill to amend the communicable disease law.

On motion of Senator Harris, the rules are suspended to the end that Dr. Ron Levine, Director Health Services for the Department of Human Resources, is extended courtesies of the floor for the purpose of assisting Senator Harris in the explanation of the Senate Committee Substitute bill.

Senator Simpson offers Amendment No. 1.

Senator Cobb offers a motion that the Senate Committee Substitute bill with Amendment No. 1 pending be placed on the Calendar for tomorrow, which motion fails to prevail, and the bill remains before the Senate for further consideration.

Senator Simpson withdraws Amendment No. 1.

Senator Harris calls the previous question, seconded by Senator Rauch. The call is sustained.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

WITHDRAWALS FROM COMMITTEE

H.B. 1295 (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes, as amended.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill, as amended, is taken from the Appropriations Committee and is placed before the Senate for immediate consideration upon second reading.

Senator Swain offers Amendment No. 3, deleting Amendments No. 1 and No. 2, which is adopted (electronically recorded).

Senator Winner offers Amendment No. 4 which is adopted (electronically recorded).

Senator Cobb inquires as to a fiscal note on the measure. The Chair notes a fiscal note is not attached. The Chair recognizes Senator Rauch, who states a fiscal note was before the Committee when the Committee Substitute bill was considered.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 8, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: Senators Bryan, Cobb, Johnson of Cabarrus, Kincaid, Martin of Guilford, Seymour, Shaw, and Somers--8.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 62, a bill to establish and maintain a Depository Library System for publications of North Carolina State Government.

On motion of Senator Plyler, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow.

H.B. 723 (Committee Substitute), a bill to clarify exemption of Department of Correction officers from tuition and fees for job-related training courses taught by the Department of Community Colleges.

On motion of Senator Plyler, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow.

S.B. 835 (Committee Substitute), a bill to amend provisions regarding the second injury fund under the Workers' Compensation Act.

On motion of Senator Soles, the rules are suspended, and the Committee Substitute bill is taken from the **Judiciary IV Committee** and is placed on the Calendar for tomorrow.

APPOINTMENT BY THE GOVERNOR

The Chair directs the Reading Clerk to read:

STATE OF NORTH CAROLINA

OFFICE OF THE GOVERNOR
RALEIGH 27611

July 31, 1987

The Honorable Robert B. Jordan III
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina 27611

Re: State Personnel Commission

Dear Lieutenant Governor Jordan:

Pursuant to North Carolina General Statute Section 126-2, I hereby appoint Garland S. Edwards, Rockingham County, and Joyce Lawing, Caldwell County as members of the State Personnel Commission for terms expiring June 30, 1993, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit their names to the General Assembly for said confirmation.

Sincerely,
S/James G. Martin
Governor

Referred to **State Personnel Committee**.

CALENDAR (Continued)

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer, for concurrence in House Amendments No. 1 and No. 2, upon second reading.

On motion of Senator Rauch, the Senate concurs in House Amendments No. 1 and No. 2 upon second reading by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps,

Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--47.

Voting in the negative: Senators Simpson and Winner--2.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

CONFERENCE REPORT

S.B. 409 (House Committee Substitute)

Senator Marvin, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 409** (House Committee Substitute), a bill to prohibit retroactive modification of past due child support payments and to give vested past due child support the judgment effect required by federal law, consistent with due process of law and with existing requirements for the docketing of such judgments and to clarify when a domestic violence arrest may be made without a warrant, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 409 5th Ed. Engrossed 7/6/87, A BILL TO BE ENTITLED AN ACT TO PROHIBIT RETROACTIVE MODIFICATION OF PAST DUE CHILD SUPPORT PAYMENTS AND TO GIVE VESTED PAST DUE CHILD SUPPORT THE JUDGMENT EFFECT REQUIRED BY FEDERAL LAW, CONSISTENT WITH DUE PROCESS OF LAW AND WITH EXISTING REQUIREMENTS FOR THE DOCKETING OF SUCH JUDGMENTS AND TO CLARIFY WHEN A DOMESTIC VIOLENCE ARREST MAY BE MADE WITHOUT A WARRANT, wish to report as follows:

The Senate concurs in the House Committee Substitute and the Senate and House agree to the following amendment:

on page 4, lines 6-9, by rewriting those lines to read:

"has violated a court order excluding the person from the residence or household occupied by a victim of domestic violence or directing the person to refrain from harassing or interfering with the victim, and if the victim, or someone acting on"

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of August, 1987.

S/Joe Hackney	S/R. C. Soles, Jr.
S/Harry E. Payne, Jr.	S/Helen Rhyne Marvin
S/Ruth M. Easterling	S/Daniel Reid Simpson
Conferees on the part of the House of Representatives	*Conferees on the part of the Senate*

On motion of Senator Marvin, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 412 (House Committee Substitute), a bill to modify the licensing of commercial truck and public passenger-carrying vehicle drivers, for concurrence in the House Committee Substitute bill.

Senator Goldston, moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Goldston, Barnes, and Sherron as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 384 (House Committee Substitute), a bill to repeal the Charter of the inactive Town of Gold Point, to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll, and to amend the Charter of the Town of Elkin concerning maintenance of sidewalks, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Martin of Pitt, the Senate concurs in the House Committee Substitute bill upon third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 417, a bill making technical and clarifying amendments to the revenue laws, as amended, upon third reading.

Senator Rauch offers Amendment No. 2 which is adopted (electronically recorded), held to be material, constituting the first reading of the bill, as amended, and changing the title to read, **S.B. 417**, a bill making technical and clarifying amendments to the revenue and to allow deductions of dividends from out-of-state holding companies having significant income attributable to North Carolina laws.

The bill, as amended, remains on the Calendar for tomorrow upon second reading.

H.B. 1031, a bill to increase the penalty in parking violation cases to not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--48.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 94 (Senate Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, as amended, upon second reading, with Amendment No. 3 pending.

Amendment No. 3 is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 466
(House Committee Substitute)

House of Representatives
August 4, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C. S. for Senate Bill 466, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION IN THE RISK SHARING PLAN ACT OF 1986, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

S.B. 777
(House Committee Substitute)

House of Representatives
August 4, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to Senate Bill No. 777, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN JOINT CUSTODY WHERE CUSTODY OF CHILDREN IS AT ISSUE, the Speaker has appointed as conferees on the part of the House, Representatives Wright, Michaux, and Rhyne to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

S.B. 672
(House Committee Substitute)

House of Representatives
August 4, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to Senate Bill No. 672, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPANSION OF THE IREDELL COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO ALLOW THE BOARD OF

EDUCATION TO PROVIDE FOR ELECTIONS BY DISTRICTS, the Speaker has appointed as conferees on the part of the House, Representatives McAlister, Brannan, Brawley, Fletcher, and Walker to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Thomas, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TWENTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, August 6, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

In honor and memory of Dr. Edward H. Pruden, former Senate Chaplain, a prayer written by Dr. Pruden is offered by the Honorable Russell G. Walker, Senator from Randolph County, as follows:

"Our Father, when we become tired and discouraged, feeling that the ideals for which we stand will never be accepted and practiced, help us to remember the words of the inspired writer when he said, 'Be not weary in well doing, for in due season you shall reap if you faint not.' May we be reminded that the goals for which we work are well worth waiting for. In the Redeemer's name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary IV Committee:**

H.B. 978 (Committee Substitute), a bill to establish a more uniform system of resolving administrative disputes and to modify judicial review of administrative decisions, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 978** (Senate Committee Substitute), a bill to modify judicial review of administrative decisions, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for today in its regular order of business.

H.B. 1136 (Committee Substitute), a bill making conforming and technical amendments to the General Statutes concerning Administrative Procedure, with an

unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

H.B. 1187 (Committee Substitute), a bill to make technical corrections in the 1987 Session Laws, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for today in its regular order of business.

By Senator Plyler for the **Appropriations Committee:**

S.B. 110, a bill to enact and appropriate funds for the North Carolina Clean Water Loan and Grant Fund Act of 1987, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 110** (Committee Substitute), a bill to create the North Carolina Clean Water Loan and Grant Program, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill, held to be material, is adopted, constituting the first reading.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, upon second reading.

S.B. 759 (Committee Substitute No. 2), a bill to authorize the formation of multiple employer trusts to provide health insurance, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Committee Substitute bill No. 3.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill No. 3 is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill No. 3 is adopted.

On motion of Senator Plyler, the Committee Substitute bill No. 3 is placed on the Calendar for tomorrow, for further consideration.

S.B. 1018, a bill to permit the Department of Human Resources to accept certain grants, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

H.B. 682, a bill establishing a portion of the boundary line between Craven County and Pitt County, with a favorable report.

H.B. 692, a bill amending the City Charter of the City of Durham with respect to special assessments for certain prescribed improvements to permit the publication of a notice concerning the making of such improvements in lieu of the publication of a resolution, with a favorable report.

H.B. 922, a bill to amend the Charter of the City of Durham with respect to exemptions from fair housing ordinance, with a favorable report.

H.B. 924, a bill amending the Charter of the City of Durham concerning the removal of abandoned or junked motor vehicles from private property, with a favorable report.

H.B. 925 (Committee Substitute), a bill amending the Charter of the City of Durham concerning the power of the housing appeals board and disposition of property, with a favorable report.

H.B. 684, a bill to amend the Cary Charter concerning development or facility fees for road projects, with a favorable report, as amended.

H.B. 749 (Committee Substitute), a bill to enable the County of New Hanover and all municipalities therein to regulate removal of trees within their regulatory jurisdiction, with a favorable report, as amended.

H.B. 923, a bill authorizing the City of Durham to establish, impose and collect facilities fees on new construction within the City and the City's extraterritorial jurisdiction area, with a favorable report, as amended.

S.B. 781 (House Committee Substitute), a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map, with an unfavorable report, as to concurrence.

On motion of Senator Ezzell, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Ezzell, moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Ezzell, Allran, Daniel, Shaw, and Sherron as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

RE-REFERRAL

H.B. 742, a bill to regulate hunting and promote firearms safety in Wake County.

On motion of Senator Ezzell, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs I Committee** and re-referred to the **Judiciary IV Committee.**

REPORTS OF COMMITTEES (Continued)

By Senator Conder for the **Children and Youth Committee:**

H.B. 853, a bill to make changes in the Child Day Care Law, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Conder, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Conder, the Senate Committee Substitute bill is placed on the Calendar for today in its regular order of business.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 300 (Committee Substitute), a bill to provide matching funds to rural volunteer rescue squads.

Referred to **Insurance Committee.**

H.B. 1514 (Committee Substitute), a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes except for aid to certain governmental and nongovernmental units.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Plyler offers a motion that the rules be suspended to the end that Mrs. Linda Powell of the Fiscal Research staff be extended courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill, which motion prevails.

Senator Allran offers Amendment No. 1.

Senator Royall, seconded by Senator Rand, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails. Amendment No. 1 lies upon the table.

The Committee Substitute bill passes its second (electronically recorded) and third readings (electronically recorded) and is ordered enrolled.

WITHDRAWAL FROM CALENDAR

S.B. 110, a bill to enact and appropriate funds for the North Carolina Clean Water Loan and Grant Fund Act of 1987.

Without objection, on motion of Senator Plyler, the bill is taken from the Calendar for tomorrow and re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Ways and Means Committee**:

S.B. 853 (Committee Substitute), a bill to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax, with a favorable report.

S.B. 491, a bill to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value of the gross estate, with a favorable report, as amended.

H.B. 24, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions, and to make technical changes in the income tax statutes necessitated by the Tax Reform Act of 1986, with a favorable report, as amended.

On motion of Senator Royall, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

Committee Amendment No. 1, offered by the **Finance Committee**, is placed before the Senate.

Senator Bryan rises to a point of order as to Committee Amendment No. 1 being germane. The Chair rules Committee Amendment No. 1 germane. Amendment No. 1 fails of adoption (electronically recorded).

Committee Amendment No. 2, offered by the **Ways and Means Committee** is placed before the Senate and upon motion of Senator Royall is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 217 (Committee Substitute), a bill to promote economic development by authorizing tax credits for certain business investments and by authorizing the creation of North Carolina Capital Resource Corporations, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion, the bill is adopted.

On motion of Senator Royall, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, for further consideration.

S.B. 1241, a bill to modify the carry-forward and other provisions of the distillery tax credit and to appropriate funds to administer the new provisions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill, changing the title to read, **S.B. 1241** (Committee Substitute), a bill to modify the carry-forward and other provisions of the distillery tax credit, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Royall, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

H.B. 926, a bill amending the City Charter of the City of Durham with respect to urban development projects, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 926** (Senate Committee Substitute), a bill amending the City Charter of the City of Durham and Chapter 908, Session Laws of 1985 with respect to urban development projects, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Ezzell, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 384 (House Committee Substitute), an act to repeal the Charter of the inactive Town of Gold Point, to authorize the Town Council of the Town of Tarboro to extend the maximum period of abeyance to not more than twenty years from the date of confirmation of the assessment roll, and to amend the Charter of the Town of Elkin concerning maintenance of sidewalks. (Ch. 730)

S.B. 466 (House Committee Substitute), an act to extend the sunset provision in the Risk Sharing Plan Act of 1986. (Ch. 731)

S.B. 623, an act to amend the Charter of the City of Durham to permit the establishment of one or more incubator facilities. (Ch. 732)

H.B. 587 (Senate Committee Substitute), an act to regulate the advertising of reduced or discounted fees for services by chiropractors. (Ch. 733)

H.B. 642 (Senate Committee Substitute), an act to repeal G.S. 143-215.1(c)(2)b. (Ch. 734)

H.B. 768 (Senate Committee Substitute), an act to establish credit card and charge card disclosure requirements. (Ch. 735)

H.B. 1031, an act to increase the penalty in parking violation cases to not more than five dollars. (Ch. 736)

H.B. 1166 (Committee Substitute), an act to amend the law regarding food, drugs, and cosmetics. (Ch. 737)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 719
(House Committee Substitute)

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S. Senate Bill 719, A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAIVER OF CERTAIN SURETY BONDS REQUIRED FOR CHARITABLE SOLICITATION, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

S.B. 409

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate B. No. 409, A BILL TO BE ENTITLED AN ACT TO PROHIBIT RETROACTIVE MODIFICATION OF PAST DUE CHILD SUPPORT PAYMENTS AND TO GIVE VESTED PAST DUE CHILD SUPPORT THE JUDGMENT EFFECT REQUIRED BY FEDERAL LAW, CONSISTENT WITH DUE PROCESS OF LAW AND WITH EXISTING REQUIREMENTS FOR THE DOCKETING OF SUCH JUDGMENTS AND TO CLARIFY WHEN A DOMESTIC VIOLENCE ARREST MAY BE MADE WITHOUT A WARRANT, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

The bill is ordered enrolled.

S.B. 412
(House Committee Substitute)

House of Representatives
August 6, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to S.B. No. 412, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LICENSING OF COMMERCIAL TRUCK AND PUBLIC PASSENGER-CARRYING VEHICLE DRIVERS, the Speaker has appointed as conferees on the part of the House, Representatives James, Church, and Murphy to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

CONFERENCE REPORT

S.B. 423

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on S.B. 423, a bill to revise and consolidate the Charter of the Town of Elkin, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 423, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ELKIN, wish to report as follows: The Senate concurs in House Amendment #1, and further amends the bill as follows:

on page 4, line 27 adding a new section between lines 27 and 28 to read:

"Sec. 3.1. This act does not repeal Section 3 of Chapter 730, Session Laws of 1987."

The House concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/W. D. Goldston, Jr.
S/Alexander P. Sands
S/Wanda H. Hunt

Conferees on the part of the Senate

S/David H. Diamont
S/Wade Franklin Wilmoth
S/Judy Hunt
S/Josephus Lyman Mavretic
S/Robert L. McAlister

Conferees on the part of the House of Representatives

On motion of Senator Sands, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 423

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on Senate B. No. 423, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ELKIN, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

The bill is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 94 (Senate Committee Substitute), a bill to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas, Ward, Warren, and Winner--45.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1295 (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes, as amended, upon third reading.

Senator Swain offers Amendment No. 5 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--42.

Voting in the negative: Senators Bryan, Cobb, Johnson of Cabarrus, Kincaid, Martin of Guilford, Seymour, and Shaw--7.

The Committee Substitute bill, as amended, is ordered, on motion of Senator Swain, sent to the House of Representatives for concurrence in Senate Amendments No. 3, No. 4, and No. 5 by special messenger.

S.B. 417, a bill making technical and clarifying amendments to the revenue and to allow deductions of dividends from out-of-state holding companies having significant income attributable to North Carolina laws, as amended, upon second reading.

Pursuant to Rule 55, Senator Rauch requests a technical correction in the title of the bill, as amended, by Amendment No. 2, be made by the Principal Clerk. The Chair orders the correction made which changes the title to read as follows: **S.B. 417**, a bill making technical and clarifying amendments to the revenue laws and to allow deductions of dividends from out-of-state holding companies having significant income attributable to North Carolina.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--44.

Voting in the negative: Senators Shaw and Thomas--2.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 835 (Committee Substitute), a bill to amend provisions regarding the second injury fund under the Workers' Compensation Act, upon second reading.

Senator Staton calls the previous question, seconded by Senator Goldston. The call is sustained.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 29, noes 14, as follows:

Voting in the affirmative: Senators Allran, Barnes, Bryan, Cobb, Conder, Daniel, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Guilford, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Taft, Thomas, and Warren--29.

Voting in the negative: Senators Block, Ezzell, Hipps, Johnson of Cabarrus, Kincaid, Marvin, Sands, Simpson, Soles, Swain, Tally, Walker, Ward, and Winner--14.

The Committee Substitute bill is placed on the Calendar for tomorrow for further consideration upon third reading.

Senator Sands offers a motion that the Committee Substitute bill be taken from the Calendar for tomorrow and recommitted to the **Judiciary IV Committee**, which motion he subsequently withdraws.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 853 (Senate Committee Substitute), a bill to make changes in the Child Day Care Law, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--43.

Voting in the negative: Senators Kincaid and Simpson--2.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

The Chair declares the adoption of the Senate Committee Substitute bill earlier today constitutes the first reading of the measure.

Senator Conder moves that the vote by which the Senate Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

The Senate Committee Substitute bill is placed on the Calendar for tomorrow, upon second reading.

S.B. 62, a bill to establish and maintain a Depository Library System for publications of North Carolina State Government.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 754 (Committee Substitute), a bill to give local health directors the authority to impose administrative penalties for violations of local board of health rules.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

H.B. 216 (Committee Substitute No. 2), a bill to raise the penalty for failure to list a motor vehicle if the owner has falsely certified.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 723 (Committee Substitute), a bill to clarify exemption of Department of Correction officers from tuition and fees for job-related training courses taught by the Department of Community Colleges.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 978 (Senate Committee Substitute), a bill to modify judicial review of administrative decisions.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 785
(Senate Committee Substitute)

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate com. sub. to House B. No. 785, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAW AND TO ASSIST INSUREDS IN REPLACING COVERAGE FROM INSOLVENT INSURANCE COMPANIES, and requests conferees. The Speaker has appointed Representatives Payne, Redwine, Warner, Beard, and Nesbitt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Parnell moves that the President appoint conferees, which motion prevails. The President appoints Senators Parnell, Seymour, Johnson of Wake, Soles, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1106
(Senate Committee Substitute)

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. to House B. No. 1106, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDGMENT OF EQUITABLE DISTRIBUTION CAN BE ENTERED PRIOR OR SUBSEQUENT TO THE ENTRY OF A JUDGMENT OF ABSOLUTE DIVORCE, and requests conferees. The Speaker has appointed Representatives Hackney, Kerr, and Rhyne on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Hipps, and Marvin as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1262
(Senate Committee Substitute)

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. to House B. No. 1262, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE CLEAN DETERGENT ACT, and requests conferees. The Speaker has appointed Representatives Hackney, Bruce Ethridge, and Barnes on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Winner moves that the President appoint conferees, which motion prevails. The President appoints Senators Winner, Swain, and Walker as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 1187 (Senate Committee Substitute), a bill to make technical corrections in the 1987 Session Laws.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1224, a bill to empower local governments to assess civil penalties for violations of air pollution control requirements.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 458 (Senate Committee Substitute), a bill to amend the communicable disease law, upon third reading.

On motion of Senator Harris, the rules are suspended to the end that Dr. Ron Levine, Director Health Services for the Department of Human Resources, is extended courtesies of the floor for the purpose of assisting Senator Harris in the explanation of the Senate Committee Substitute bill.

Senator Simpson offers Amendment No. 2.

Senator Harris calls the previous question, seconded by Senator Rand. The call is sustained.

Amendment No. 2 is adopted (electronically recorded).

Senator Parnell offers Amendment No. 3 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--46.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1142
(Senate Committee Substitute)

House of Representatives
August 6, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. to House B. No. 1142, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS AND MACHINERY ACT, and requests conferees. The Speaker has appointed Representatives Miller, Mavretic, and Blue on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Rauch moves that the President appoint conferees, which motion prevails. The President appoints Senators Rauch, Hardison, and Harris as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 489, a bill to expand and clarify the investment authority of the State Treasurer, for concurrence in House Amendments No. 1 and No. 2, upon third reading.

On motion of Senator Rauch, the Senate concurs in House Amendments No. 1 and No. 2 upon third reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--42.

Voting in the negative: Senator Winner--1.

The bill is ordered enrolled.

S.B. 393 (House Committee Substitute), a bill to provide for return of clients to 24-hour facilities, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 428 (House Committee Substitute), a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes after one year following final judgment, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, consideration of the House Committee Substitute bill is postponed until tomorrow.

S.B. 475 (House Committee Substitute), a bill to make certain changes in the involuntary commitment of substance abusers, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 513 (House Committee Substitute), a bill to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws, for concurrence in the House Committee Substitute bill.

On motion of Senator Parnell, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

RE-REFERRAL

H.B. 300 (Committee Substitute), a bill to provide matching funds to rural volunteer rescue squads.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is taken from the **Insurance Committee** and re-referred to the **Finance Committee**.

On motion of Senator Harrington, duly seconded, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED TWENTY-NINTH DAY

SENATE CHAMBER,
Friday, August 7, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, we in this place are weighted down by the problems of our State and home communities. You know that we share a personal responsibility for the situation in which we find ourselves. May each of us admit our part in creating our dilemmas, lest we feel no obligation to solve them. Help us to quit waiting for the other fellow to change his attitude and his ways, and help us to use Your guidance as we attempt to change ours. We ask for this help in Thy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Sands.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Ways and Means Committee**:

S.B. 18, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Royall, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

S.B. 484, a bill to exempt coin-operated laundries from sales tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Royall, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1124 (Committee Substitute #2), a bill to limit campaign expenditures and to strengthen public financing of political campaigns.

Referred to **Election Laws Committee**.

S.B. 131 (Committee Substitute), a bill to revise the penalties for littering, for concurrence in the House Committee Substitute bill.

On motion of Senator Staton, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The House Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 535, a bill to amend the fee schedule for hazardous waste facilities, for concurrence in the House Committee Substitute bill, changing the title upon concurrence

to read, **S.B. 535** (House Committee Substitute), a bill to amend the fee schedule applicable to generators and transporters of hazardous waste and to hazardous waste facilities; to revise the name of the hazardous waste regulation study; to make technical amendments to the Marine Fisheries Act of 1987; and to amend the Business Corporation Act.

Referred to **Natural and Economic Resources and Wildlife Committee.**

S.B. 647 (Committee Substitute), a bill authorizing counties, cities, and local boards of education to establish requirements concerning apartheid in projects financed with public funds, for concurrence in the House Committee Substitute bill.

On motion of Senator Hunt of Durham, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hunt of Durham, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER 52, Veterans preference in Job Training Partnership Act (JTPA) programs.

Referred to **Appropriations Committee.**

EXECUTIVE ORDER NUMBER 53, Governor's Inter-agency Advisory Team on Alcohol and Other Drug Abuse.

Referred to **State Government Committee.**

CONFIRMATION OF APPOINTMENTS

Senator Taft, Chairman of the **State Personnel Committee,** submits the following report:

In compliance with the provisions of North Carolina General Statute Section 126-2 requiring appointees to the North Carolina State Personnel Commission to be confirmed by the Senate, Governor Martin has submitted his appointees, Garland S. Edwards and Joyce Lawing.

The Senate Committee on State Personnel has considered the appointments and makes the following recommendations:

That the appointments of Garland S. Edwards and Joyce Lawing to the North Carolina Personnel Commission be confirmed.

The Senate confirms the appointments of the Governor by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, Warren, and Winner--42.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the Finance Committee:

S.B. 110 (Committee Substitute), a bill to create the North Carolina Clean Water Loan and Grant Program, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration in its proper order of business upon second reading.

S.B. 306, a bill to promote the use of affordable housing and to provide for fair zoning regulation of residential manufactured homes and for taxation of manufactured homes as real property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 306** (Committee Substitute), a bill to clarify the law concerning local regulation of the placement of manufactured homes, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, August 10, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 682, a bill establishing a portion of the boundary line between Craven County and Pitt County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 684, a bill to amend the Cary Charter concerning development or facility fees for road projects, upon second reading.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 923, a bill authorizing the City of Durham to establish, impose and collect facilities fees on new construction within the City and the City's extraterritorial jurisdiction area, upon second reading.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follow:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Royall, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 692, a bill amending the City Charter of the City of Durham with respect to special assessments for certain prescribed improvements to permit the publication of a notice concerning the making of such improvements in lieu of the publication of a resolution.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 749 (Committee Substitute), a bill to enable the County of New Hanover and all municipalities therein to regulate removal of trees within their regulatory jurisdiction.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 922, a bill to amend the Charter of the City of Durham with respect to exemptions from fair housing ordinance.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 924, a bill amending the Charter of the City of Durham concerning the removal of abandoned or junked motor vehicles from private property.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 925 (Committee Substitute), a bill amending the Charter of the City of Durham concerning the power of the housing appeals board and disposition of property.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 926 (Senate Committee Substitute), a bill amending the City Charter of the City of Durham and Chapter 908, Session Laws of 1985 with respect to urban development projects.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 417, a bill making technical and clarifying amendments to the revenue and to allow deductions of dividends from out-of-state holding companies having significant income attributable to North Carolina laws, as amended, upon third reading.

Without objection, on motion of Senator Rauch, the bill, as amended, is placed on the Calendar for today upon third reading as the last order of business.

S.B. 835 (Committee Substitute), a bill to amend provisions regarding the second injury fund under the Workers' Compensation Act, upon third reading.

Senator Taft offers a motion that the Committee Substitute bill be recommitted to the **Judiciary IV Committee**.

Senator Taft calls the previous question, seconded by Senator Rand. The call is sustained.

The motion offered by Senator Taft to recommit the Committee Substitute bill to the **Judiciary IV Committee** prevails (electronically recorded).

The Chair orders the Committee Substitute bill recommitted to the **Judiciary IV Committee**.

H.B. 24, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions, and to make technical changes in the income tax statutes necessitated by the Tax Reform Act of 1986, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--39.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

S.B. 110 (Committee Substitute), a bill to create the North Carolina Clean Water Loan and Grant Program, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Daniel, Goldston, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--39.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

S.B. 494, a bill to ensure that the hearing- and speech-impaired have access to basic telephone service, with a favorable report, as amended.

S.B. 604 (Committee Substitute), a bill to provide for licensing of cotton warehouses, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 2 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 592, a bill to authorize area authorities to contract with health maintenance organizations, with a favorable report, as amended.

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War, with a favorable report, as amended.

H.B. 677, a bill to authorize area authorities to use State or local funds for the purchase or repair of 24-hour and day facilities, with a favorable report, as amended.

S.B. 1310, a bill to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1310** (Committee Substitute), a bill to appropriate funds to create a position to manage the Transportation Management Information System, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

S.B. 1356, a bill to clarify the responsibilities of the Departments of Human Resources and Public Education for the Adolescent Substance Abuse Program and to appropriate funds to this Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

S.B. 738, a bill to create the North Carolina Housing Trust Fund and to authorize the expenditure of oil overcharge funds within the limits imposed by the relevant judicial decrees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 738** (Committee Substitute), a bill to create the North Carolina Housing Trust Fund and to authorize the expenditure of oil overcharge funds, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

S.B 1099, a bill to permit the Secretary of Human Resources to use unexpended appropriations to purchase liability insurance for Department of Human Resources employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B 1099**, a bill to authorize the Legislative Research Commission to study allowing the Secretary of Human Resources to use appropriations to purchase liability insurance for Department of Human Resources employees, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

S.B. 1185, a bill to appropriate funds for a vocational rehabilitation independent living program for the Asheville/mountain region, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1185** (Committee Substitute), a bill to

transfer the Buncombe County Community Penalties Program from the Department of Crime Control and Public Safety to the Administrative Office of the Courts, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is recommitted to the Appropriations Committee.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1514, an act to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes except for aid to certain governmental and nongovernmental units. (Ch. 738)

S.B. 409 (House Committee Substitute), an act to prohibit retroactive modification of past due child support payments and to give vested past due child support the judgment effect required by federal law, consistent with due process of law and with existing requirements for the docketing of such judgments and to clarify when a domestic violence arrest may be made without a warrant. (Ch. 739)

S.B. 423, an act to revise and consolidate the Charter of the Town of Elkin. (Ch. 740)

S.B. 719 (House Committee Substitute), an act to allow the waiver of certain surety bonds required for charitable solicitation. (Ch. 741)

S.B. 751, an act to modify the defense to rape and sexual offenses. (Ch. 742)

H.B. 216 (Committee Substitute No. 2), an act to raise the penalty for failure to list a motor vehicle if the owner has falsely certified. (Ch. 743)

H.B. 291 (Senate Committee Substitute No. 2), an act to provide that certain preliminary hearings on license suspensions are not mandatory. (Ch. 744)

H.B. 697 (Senate Committee Substitute), an act to raise the wildlife license fees for citizens of states that charge North Carolina citizens higher wildlife license fees and to make other changes in the law pertaining to wildlife license fees for citizens of other states. (Ch. 745)

H.B. 835 (Senate Committee Substitute), an act to establish a Corrections Administrative Remedy Procedure. (Ch. 746)

H.B. 1211 (Committee Substitute No. 2), an act to control the cost of acquiring rights-of-way for the State's highway system; and to make other changes in the laws affecting the State's highway system. (Ch. 747)

H.B. 1224, an act to empower local governments to assess civil penalties for violations of air pollution control requirements. (Ch. 748)

S.B. 393 (House Committee Substitute), an act to provide for return of clients to 24-hour facilities. (Ch. 749)

S.B. 475 (House Committee Substitute), an act to make certain changes in the involuntary commitment of substance abusers. (Ch. 750)

S.B. 489, an act to expand and clarify the investment authority of the State Treasurer. (Ch. 751)

S.B. 513 (House Committee Substitute), an act to make various substantive changes and improvements in the insurance laws and to expressly authorize the recodification of insurance and related laws. (Ch. 752)

CALENDAR (Continued)

H.B. 853 (Senate Committee Substitute), a bill to make changes in the Child Day Care Law, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 34, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Block, Bryan, Cobb, Ezzell, Goldston, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, McDuffie, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--34.

Voting in the negative: Senators Hardison, Harris, and Parnell--3.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1136 (Committee Substitute), a bill making conforming and technical amendments to the General Statutes concerning Administrative Procedure, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Rand, Rauch, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--38.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 217 (Committee Substitute No. 2), a bill to promote economic development by authorizing tax credits for certain business investments and by authorizing the creation of North Carolina Capital Resource Corporations.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 491, a bill to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value of the gross estate.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Thomas to its third reading, the bill, as amended, remains on the Calendar for Monday, for further consideration upon third reading.

S.B. 759 (Committee Substitute No. 3), a bill to authorize the formation of multiple employer trusts to provide health insurance.

The Committee Substitute bill No. 3 passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 853 (Committee Substitute), a bill to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1018 (Committee Substitute), a bill to permit the Department of Human Resources to accept certain grants.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1241 (Committee Substitute), a bill to modify the carry-forward and other provisions of the distillery tax credit.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed sent to the House of Representatives.

S.B. 428 (House Committee Substitute), a bill to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes after one year following final judgment, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 417, a bill making technical and clarifying amendments to the revenue and to allow deductions of dividends from out-of-state holding companies having significant income attributable to North Carolina laws, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rand, Rauch, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--35.

Voting in the negative: None.

The bill, as amended, is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 999 (Committee Substitute), a bill to authorize the Legislative Research Commission to study whether to permit corporate taxpayers to file consolidated income tax returns, whether to provide for special tax treatment of Subchapter S Chapter Corporations, and other related issues.

Referred to **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Block moves that Rule 41 be suspended to allow the filing, introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Block and Hardison:

S.B. 1557, a bill to preserve the North Carolina railway corridor.

Referred to **Judiciary II Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
August 7, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to General Statutes 126-2(c), the House of Representatives has confirmed the reappointment of Garland S. Edwards of Rockingham County and the appointment of Joyce Lawing of Caldwell County as members of the State Personnel Commission.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 1295
(Committee Substitute)

House of Representatives
August 7, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to House B. Com. Sub. No. 1295, A BILL TO BE ENTITLED AN ACT TO PROVIDE A SUPPLEMENTAL PENSION FOR COUNTY REGISTERS OF DEEDS THROUGH INCREASED FEES PURSUANT TO CHAPTERS 25 AND 161 OF THE NORTH CAROLINA GENERAL STATUTES, and requests conferees. The Speaker has appointed Representatives Nesbitt, Buchanan, and Kerr on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

Senator Swain moves that the President appoint conferees, which motion prevails. The President appoints Senators Swain, Rand, and Barnes as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow at 8:30 A.M.

ONE HUNDRED THIRTIETH DAY

SENATE CHAMBER,
Saturday, August 8, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Robert D. Warren, Senator from Johnston County, as follows:

"Eternal God in Whom we move and have our being, we bow before Thee this morning with humble and thankful hearts.

"As we come to the close of another legislative week, we pray that You will bless the things which we have done that are right and correct those things we have done which are wrong. We pray that You will continue to guide us as we seek to serve the people of our beloved State.

"Keep us in Your care, Oh God, as we travel to our respective homes. During this short week-end, may we be refreshed and filled with the necessary energy and wisdom needed to face the hard decisions which will greet us upon our return on Monday to begin what we believe to be the final week of this historic legislative session.

"In Thy Holy Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Goldston, who has a "trip planned and cannot change the dates," to Senator Guy, who has personal business, to Senator Harris, due to his wife's illness, to Senator Johnson of Cabarrus, who has a previous commitment, to Senator Marvin, who has a previous commitment to meet with constituents, to Senator McDuffie, due to personal business matters, and to Senators Rauch, Richardson, Shaw, and Soles.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 692, an act amending the City Charter of the City of Durham with respect to special assessments for certain prescribed improvements to permit the publication of a notice concerning the making of such improvements in lieu of the publication of a resolution. (Ch. 753)

H.B. 922, an act to amend the Charter of the City of Durham with respect to exemptions from fair housing ordinance. (Ch. 754)

H.B. 924, an act amending the Charter of the City of Durham concerning the removal of abandoned or junked motor vehicles from private property. (Ch. 755)

H.B. 925 (Committee Substitute), an act amending the Charter of the City of Durham concerning the power of the housing appeals board and disposition of property. (Ch. 756)

S.B. 131 (Committee Substitute), an act to revise the penalties for littering. (Ch. 757)

S.B. 428 (House Committee Substitute), an act to provide that interest shall be at the legal rate on judgments in actions for breach of a contract extending credit for personal, family, household, or agricultural purposes after one year following final judgment. (Ch. 758)

S.B. 647 (Committee Substitute), an act authorizing counties, cities, and local boards of education to establish requirements concerning apartheid in projects financed with public funds. (Ch. 759)

WITHDRAWAL FROM COMMITTEE

H.B. 265, a bill to revise the duties of the Council on Developmental Disabilities.

Without objection, on motion of Senator Royall, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for Monday, August 10.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 682, a bill establishing a portion of the boundary line between Craven County and Pitt County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Parnell, Rand, Royall, Seymour, Sherron, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--29.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 684, a bill to amend the Cary Charter concerning development or facility fees for road projects, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Parnell, Rand, Royall, Seymour, Sherron, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--29.

Voting in the negative: None.

The bill, as amended, is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 923, a bill authorizing the City of Durham to establish, impose and collect facilities fees on new construction within the City and the City's extraterritorial jurisdiction area, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Parnell, Rand, Royall, Seymour, Sherron, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, and Winner--29.

Voting in the negative: None.

The bill, as amended, is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 110 (Committee Substitute), a bill to create the North Carolina Clean Water Loan and Grant Program, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Parnell, Rand, Royall, Seymour, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Ward, and Winner--29.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 853 (Senate Committee Substitute), a bill to make changes in the Child Day Care Law, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 26, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of

Wake, Kaplan, Martin of Pitt, Parnell, Rand, Seymour, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--26.

Voting in the negative: Senator Smith--1.

The Senate Committee Substitute bill is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1136 (Senate Committee Substitute), a bill making conforming and technical amendments to the General Statutes concerning Administrative Procedure, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Parnell, Rand, Seymour, Sherron, Smith, Speed, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--30.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 791, a bill to permit certain small cities to hold alcoholic beverage elections, for concurrence in House Amendment No. 1 which is placeD on the Calendar for Monday, August 10.

S.B. 358 (Committee Substitute), a bill clarifying that unemployment compensation benefits may be administratively withheld in IV-D child support cases, for concurrence in the House Committee Substitute, changing the title upon concurrence to read, **S.B. 358** (House Committee Substitute), a bill to amend the statutes relating to the use of unemployment compensation benefits for child support and service of process upon the Employment Security Commission, which is placed on the Calendar for Monday, August 10.

CALENDAR (Continued)

S.B. 484 (Committee Substitute), a bill to exempt coin-operated laundries from sales tax, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Parnell, Rand, Seymour, Sherron, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--29.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday for further consideration upon third reading.

S.B. 18 (Committee Substitute), a bill to increase the annual income tax exclusion for federal civil service and military retirement pay.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Cobb: "Qualified for military retirement pay."

Senator Staton: "I am directly affected by its provisions."

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 494, a bill to ensure that the hearing- and speech-impaired have access to basic telephone service, as amended.

On motion of Senator Rand, Committee Amendment No. 3 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

S.B. 592, a bill to authorize area authorities to contract with health maintenance organizations.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

S.B. 738 (Committee Substitute), a bill to create the North Carolina Housing Trust Fund and to authorize the expenditure of oil overcharge funds.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B 1099 (Committee Substitute), a bill to authorize the Legislative Research Commission to study allowing the Secretary of Human Resources to use appropriations to purchase liability insurance for Department of Human Resources employees.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1310 (Committee Substitute), a bill to appropriate funds to create a position to manage the Transportation Management Information System.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1356 (Committee Substitute), a bill to clarify the responsibilities of the Departments of Human Resources and Public Education for the Adolescent Substance Abuse Program and to appropriate funds to this Program.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Ward to its third reading, the Committee Substitute bill remains on the Calendar for Monday for further consideration.

H.B. 217, a bill to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 677, a bill to authorize area authorities to use State or local funds for the purchase or repair of 24-hour and day facilities.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

On motion of Senator Walker, further consideration of the bill, as amended, is postponed until Monday, August 10.

CONFERENCE REPORT

H.B. 1295

Senator Swain for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1295** (Committee Substitute), a bill to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1295, Comm. Sub. Third Edition, A BILL TO BE ENTITLED AN ACT TO PROVIDE A SUPPLEMENTAL PENSION FOR COUNTY REGISTERS OF DEEDS THROUGH INCREASED FEES PURSUANT TO CHAPTERS 25 AND 161 OF THE NORTH CAROLINA GENERAL STATUTES, wish to report as follows:

The House concurs in Senate Amendments #3 and #4.

The House concurs in Senate Amendment #5 with an amendment: add before the quotation mark at the end of Senate Amendment #5 the words "as register of deeds".

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of August, 1987.

S/Robert S. Swain	S/Martin L. Nesbitt
S/Anthony E. Rand	S/Charles L. Buchanan
S/Henson P. Barnes	S/John H. Kerr
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Swain, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

S.B. 535 (House Committee Substitute), a bill to amend the fee schedule applicable to generators and transporters of hazardous waste and to hazardous waste facilities; to revise the name of the hazardous waste regulation study; to make technical amendments to the Marine Fisheries Act of 1987; and to amend the Business Corporation Act, with a favorable report, as to concurrence.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet Monday at 7:00 P.M.

ONE HUNDRED THIRTY-FIRST DAY

SENATE CHAMBER,
Monday, August 10, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Henson P. Barnes, Senator from Wayne County, as follows:

"O Lord, as we assemble here at the beginning of what we expect to be the last week of the 1987 Session of the General Assembly to finish our work which we started in February, we ask that You give us the courage and intelligence to finish this work in such manner as will find approval in Your sight.

"We further pray, Oh Lord, that when we have finished this work, it will be beneficial to all of the people of North Carolina, and You can say, well done thy good and faithful servants.

"Give us strength, Oh Lord, to accept the approval that will come from some people, and to accept the criticism that will come from other people, and help us to treat both the approval and the criticism just the same.

"As the pressure of these final days amounts to an agonizing frenzy, as we know it will, let us not forget that we will do our best work for the State and our people if we remain friends with one another. Let us then try to help each other in our common goals. This is our prayer, Oh Lord, and in Your Name, we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Saturday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Goldston, due to a "trip that was planned assuming Session would be over" and to Senator Johnson of Wake.

The Honorable Marc Basnight, Senator from Dare County, serves as Reading Clerk.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 654, an act to modify the miscellaneous provision for the issue of permits for business on school and college campuses. (Ch. 760)

S.B. 762, an act forbidding the placing of solid non-radioactive waste from outside North Carolina without prior inspection and certification. (Ch. 761)

H.B. 682, an act establishing a portion of the boundary line between Craven County and Pitt County. (Ch. 762)

H.B. 723 (Committee Substitute), an act to clarify exemption of Department of Correction officers from tuition and fees for job-related training courses taught by the Department of Community Colleges. (Ch. 763)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee:**

H.B. 1158 (Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

By Senator Staton, Vice-Chairman, for the **Judiciary II Committee:**

S.B. 1557, a bill to preserve the North Carolina railway corridor, with a favorable report, as amended.

On motion of Senator Block, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

Senator Staton calls the previous question, seconded by Senator Rauch. The call is sustained.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Staton to its third reading, the bill, as amended, remains on the Calendar for tomorrow for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 978
(Senate Committee Substitute)

House of Representatives
August 10, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Com. Sub. House B. No. 978, A BILL TO BE ENTITLED AN ACT TO MODIFY JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS, and requests conferees. The Speaker has appointed Representatives Michaux, Watkins, Blue, Wicker, and Hackney on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Barnes, Hipps, Rand, and Royall as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 484 (Committee Substitute), a bill to exempt coin-operated laundries from sales tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Allran, Basnight, Cobb, Conder, Daniel, Guy, Hardison, Harrington, Harris, Hipps, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--38.

Voting in the negative: Senator Johnson of Cabarrus--1.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 306 (Committee Substitute), a bill to clarify the law concerning local regulation of the placement of manufactured homes, upon second reading.

Without objection, on motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tonight as the last order of business.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 170 (Committee Substitute), a bill to clarify that certain hospitals are not required to obtain a certificate of need for transferring up to sixty-five beds to skilled nursing home beds.

On motion of Senator Rand, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 256 (Committee Substitute), a bill to increase the tax exemption for compensation paid to members of the North Carolina organized militia, National Guard.

Referred to **Finance Committee**.

H.B. 363, a bill to allow local boards of education to purchase buses and minibuses for the transportation of children with special needs.

On motion of Senator Ward, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Without objection, on motion of Senator Rauch, the bill is placed on the Calendar for tonight as the last order of business.

H.B. 746 (Committee Substitute), a bill to allocate funds to a special fund of the Department of Public Education, Division of Public Instruction for expansion of the public schools' Basic Skills Program in Economic Education.

On motion of Senator Ward, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for tonight.

H.B. 1710 (Committee Substitute), a bill concerning testing of swine for disease.

Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill held in the Office of the Principal Clerk.

H.B. 1745 (Committee Substitute), a bill to authorize the Pesticide Board to charge a fee of up to ten dollars to make the certification and recertification program self-funded out of receipts.

Referred to **Finance Committee**.

H.B. 1860 (Committee Substitute), a bill to provide extra pay for extra responsibilities of career status teachers.

On motion of Senator Ward, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for tonight.

H.B. 1945 (Committee Substitute), a bill to provide for a training program for school custodians.

On motion of Senator Ward, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for tonight.

H.J.R. 2165, a joint resolution setting the time for adjournment of the 1987 General Assembly to reconvene in 1988, and limiting the subjects that may be considered in that Session.

Referred to **Rules and Operation of the Senate Committee.**

S.B. 182 (Committee Substitute), a bill to increase the maximum fine for violation of local ordinances from fifty dollars to five hundred dollars, for concurrence in House Amendments No. 1, No. 2, and No. 3, changing the title upon concurrence to read, **S.B. 182** (Committee Substitute), a bill to increase the maximum fine for violation of local ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty, which is placed on the Calendar for tomorrow.

S.B. 685 (Committee Substitute), a bill to reform the insurance premium tax laws, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow.

S.B. 759 (Committee Substitute No. 3), a bill to authorize the formation of multiple employer trusts to provide health insurance, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the rules are suspended, and the Committee Substitute bill No. 3 is placed on the Calendar for tonight.

S.B. 375 (Committee Substitute), a bill to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of commercial hazardous waste treatment facilities, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow.

CALENDAR (Continued)

H.B. 265, a bill to revise the duties of the Council on Developmental Disabilities.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 677, a bill to authorize area authorities to use State or local funds for the purchase or repair of 24-hour and day facilities, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 491, a bill to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value to the gross estate, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1356 (Committee Substitute), a bill to clarify the responsibilities of the Departments of Human Resources and Public Education for the Adolescent Substance Abuse Program and to appropriate funds to this Program, upon third reading.

Senator Ward offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

S.B. 535 (House Committee Substitute), a bill to amend the fee schedule applicable to generators and transporters of hazardous waste and to hazardous waste facilities; to revise the name of the hazardous waste regulation study; to make technical amendments to the Marine Fisheries Act of 1987; and to amend the Business Corporation Act, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Tally, the Senate concurs in the House Committee Substitute bill upon second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Cobb, Conder, Daniel, Guy, Hardison, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--36.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 358 (House Committee Substitute), a bill to amend the statutes relating to the use of unemployment compensation benefits for child support and service of process upon the Employment Security Commission, for concurrence in the House Committee Substitute bill.

On motion of Senator Marvin, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 791, a bill to permit certain small cities to hold alcoholic beverage elections, for concurrence in House Amendment No. 1.

On motion of Senator Seymour, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 781
(House Committee Substitute)

House of Representatives
August 10, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to Senate B. No. 781, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITIES AND COUNTIES NEED NOT MAIL ZONING NOTICES FOR A REVISION OF THE COMPLETE ZONING ORDINANCE OR MAP, the Speaker has appointed conferees on the part of the House, Representatives Wright, Jarrell, Cochrane, Sizemore, and DeVane to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

H.B. 1270

House of Representatives
August 10, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House B. No. 1270, A BILL

TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL REASSIGNMENT HEARINGS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

CALENDAR (Continued)

S.B. 759 (Committee Substitute No. 3), a bill to authorize the formation of multiple employer trusts to provide health insurance, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

H.B. 363, a bill to allow local boards of education to purchase buses and minibuses for the transportation of children with special needs.

The bill passes its second reading (electronically recorded).

Senator Kincaid objects to the third reading of the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

H.B. 746 (Committee Substitute), a bill to allocate funds to a special fund of the Department of Public Education, Division of Public Instruction for expansion of the public schools' Basic Skills Program in Economic Education.

The Committee Substitute bill passes its second reading (electronically recorded), and without objection, remains before the Senate for further consideration upon third reading.

Senator Ward offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1860 (Committee Substitute), a bill to provide extra pay for extra responsibilities of career status teachers.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1945 (Committee Substitute), a bill to provide for a training program for school custodians.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 944 (Committee Substitute), a bill to add sales tax on the sale of spirituous liquor, for concurrence in the House Committee Substitute bill, changing the title upon concurrence to read, **S.B. 944** (House Committee Substitute), a bill to add sales tax on the sale of spirituous liquor, to consolidate the State sales tax and the three local sales taxes into a single tax, to allocate a share of the consolidated tax to counties in the same proportion as revenues received under the current system, and to maintain the earmarking schedule and reporting requirements contained in the current system.

Senator Rauch, moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Rauch, Hardison, and Smith as conferees on

the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 507 (Committee Substitute No. 2), a bill to clarify the law concerning local regulation of the placement of manufactured homes and to require taxation of manufactured homes as real property.

Without objection, the Chair orders the Committee Substitute bill No. 2 placed on the Calendar for tomorrow.

S.B. 852, a bill making technical corrections to the property tax statutes concerning the listing and appraisal of property, for concurrence in House Amendments No. 1 and No. 2, changing the title upon concurrence to read, **S.B. 852**, a bill making technical corrections to the property tax statutes concerning the listing and appraisal of property and to amend the permit fee charged to taxicab drivers, which, without objection, is placed on the Calendar for tomorrow, by the Chair.

H.B. 1050, a bill to authorize the construction and the financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University.

Without objection, the Chair places the bill on the Calendar for tomorrow.

H.B. 1051, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

Without objection, the Chair places the bill on the Calendar for tomorrow.

H.B. 1389, a bill to prorate the bailment surcharge which pays for the operating budget of Alcohol Law Enforcement and to increase revenues to local ABC boards.

Without objection, the Chair places the bill on the Calendar for tomorrow.

CALENDAR (Continued)

S.B. 1557, a bill to preserve the North Carolina railway corridor, as amended.

Senator Staton withdraws his objection to the third reading of the bill, as amended, and without objection, the bill is placed before the Senate for further consideration.

The bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 1402 (Committee Substitute), a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow.

The Chair declares the Senate in recess until 9:40 P.M. for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 944
(House Committee Substitute)

House of Representatives
August 10, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to Senate B. No. 944, A BILL TO BE ENTITLED AN ACT TO ADD SALES TAX ON THE SALE OF SPIRITUOUS LIQUOR, TO CONSOLIDATE THE STATE SALES TAX AND THE THREE LOCAL SALES TAXES INTO A SINGLE TAX, TO ALLOCATE A SHARE OF THE CONSOLIDATED TAX TO COUNTIES IN THE SAME PROPORTION AS REVENUES RECEIVED UNDER THE CURRENT SYSTEM, AND TO MAINTAIN THE EARMARKING SCHEDULE AND REPORTING REQUIREMENTS CONTAINED IN THE CURRENT SYSTEM, the Speaker has appointed as conferees on the part of the House, Representatives Miller, Mavretic, Holmes, Easterling, and Hunter, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

CALENDAR (Continued)

S.B. 306 (Committee Substitute), a bill to clarify the law concerning local regulation of the placement of manufactured homes, upon second reading.

On motion of Senator Plyler, consideration of the Committee Substitute bill is postponed until Wednesday, August 12.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

S.B. 1307, a bill to make certain property transfers on or before January 1, 1988, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1307** (Committee Substitute), a bill to provide for the transfer of the Lenox Baker Hospital to Duke University, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tomorrow, for further consideration.

S.B. 1277, a bill to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1277** (Committee Substitute), a bill to appropriate funds for a central voter file system in the Office of the Secretary of State, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for tonight in its regular order of business, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 124 (Committee Substitute), a bill to prohibit weapons in courthouses.

Without objection, on motion of Senator Staton, pursuant to Rule 41(b), the rules are suspended to allow the Committee Substitute bill to be read and referred to committee.

Referred to **Judiciary II Committee.**

H.B. 990, a bill authorizing the dedication of receipts generated by development of the Centennial Campus to the use of North Carolina State University at Raleigh for operation and further development of the Centennial Campus.

Without objection, the Chair orders the bill placed on the Calendar for tomorrow.

The Chair declares the Senate in recess until 10:20 P.M. for the purpose of further committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

CALENDAR (Continued)

S.B. 1277 (Committee Substitute), a bill to appropriate funds for a central voter file system in the Office of the Secretary of State.

The Committee Substitute bill passes its second reading (electronically recorded) and without objection remains before the Senate for further consideration upon third reading.

Senator Bryan offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

The Chair declares the Senate in recess for fifteen minutes for the purpose of further committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

On motion of Senator Hardison, seconded by Senator Martin of Guilford, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED THIRTY-SECOND DAY

SENATE CHAMBER,
Tuesday, August 11, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Ed Walker, Minister of Grace Free Will Baptist Church, Greenville.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Hunt of Durham, Martin of Guilford, and Richardson, who are attending a funeral in Wilson, and to Senator Goldston. (Senators Hunt of Durham, Martin of Guilford, and Richardson are noted present for a portion of today's Session).

Senator Rauch offers a motion that the rules be suspended to allow Senate Conference Committee members to meet during the Session with like House of Representatives Conference Committee members, which motion prevails.

CONFERENCE REPORT

H.B. 1270 (Committee Substitute)

Senator Warren, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1270** (Committee Substitute), a bill to amend the law regarding school reassignment hearings, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL REASSIGNMENT HEARINGS, wish to report as follows: The House concurs in Senate Amendment #1. The Senate recedes from its amendment #2 and the following new amendment is inserted in lieu thereof:
"on page 1, line 11 of the bill, rewrite that line to read:

'Sec. 2. G.S. 115C-369 is amended by rewriting the fourth sentence to read: "The local board of education may designate hearing panels composed of not less than two members of the board to hear such appeals in the name of the board of education. The panel's recommendations shall be submitted to the board of education for final determination."
Sec. 3. This act is effective upon ratification.'"

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 10th day of August, 1987.

S/Robert D. Warren	S/Daniel T. Blue, Jr.
S/Dennis J. Winner	S/Anne C. Barnes
S/William W. Staton	S/Roy A. Cooper
S/Wanda H. Hunt	S/Thomas C. Hardaway
S/Marvin Ward	S/Joe H. Hege, Jr.
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Warren, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 1710 (Committee Substitute), a bill concerning testing of swine for disease.
On motion of Senator Speed, the rules are suspended, and the Committee Substitute bill is recalled from the Office of the Principal Clerk and placed on the Calendar for today in its regular order of business.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

H.B. 545, a bill to revise the purchase of creditable service in the Teachers' and State Employees' Retirement System for leaves of absence while in receipt of workers' compensation benefits, with a favorable report, as amended.

H.B. 1018, a bill to allow a retiring member of the Teachers' and State Employees' Retirement System to receive service credit for up to 12 days of unused accumulated sick leave per year of membership service, with a favorable report, as amended.

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act, with a favorable report, as amended.

S.B. 749 (Committee Substitute), a bill to establish a Recreation and Natural Heritage Trust Program, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 379, a bill to make aquatic weed control projects eligible for cost sharing, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill, with Amendment No. 1.

On motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill, with Amendment No. 1, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted, which changes the title to read, **H.B. 379** (Senate Committee Substitute), a bill to make aquatic weed control projects eligible for cost sharing, and to allow the Town of Columbia and Tyrrell County to lease certain property.

On motion of Senator Plyler, the Senate Committee Substitute bill is placed on the Calendar for today, in its regular order of business, for further consideration.

S.B. 848 (Committee Substitute), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority and to provide for the management of low-level radioactive waste in North Carolina, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill No. 2 is adopted.

On motion of Senator Plyler, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, for further consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 109 (Committee Substitute), a bill to establish the Business License Information Office.

Referred to **Appropriations Committee**.

H.B. 243, a bill to ensure that day care plan providers are represented on the Child Day-Care Commission.

Pursuant to Rule 41(b), on motion of Senator Conder, the rules are suspended to allow the bill to be referred to committee.

Referred to **Children and Youth Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1717, a bill requiring the Wildlife Resources Commission to report to the Joint Legislative Commission on Governmental Operations prior to making certain expenditures from the Wildlife Resources Fund.

Referred to **Appropriations Committee.**

H.B. 1946 (Committee Substitute), a bill to abolish the Board of State Contract Appeals.

Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill held in the Office of the Principal Clerk.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 507 (Committee Substitute No. 2), a bill to clarify the law concerning local regulation of the placement of manufactured homes and to require taxation of manufactured homes as real property, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 36, noes 4, as follows:

Voting in the affirmative: Senators Barker, Block, Bryan, Cobb, Conder, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Royall, Sands, Seymour, Shaw, Sherron, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Warren--36.

Voting in the negative: Senators Barnes, Basnight, Kincaid and Simpson--4.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1050, a bill to authorize the construction and the financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University, upon second reading.

Without objection, citing Senate Rule 42, the Chair orders the bill referred to the **Finance Committee.**

H.B. 1051, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, upon second reading.

Without objection, citing Senate Rule 42, the Chair orders the bill referred to the **Finance Committee.**

H.B. 1158 (Senate Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges, upon second reading.

The Chair rules the Senate Committee Substitute bill does not require a call of the roll.

Without objection, on motion of Senator Seymour, courtesies of the floor are extended to William Hale, Deputy Commissioner of Insurance, to assist in the explanation of the Senate Committee Substitute bill.

Senator Johnson of Wake offers Amendment No. 1. Senator Seymour calls the previous question, seconded by Senator Rand. The call is sustained. Amendment No. 1 is adopted (electronically recorded).

Senator Seymour offers Amendment No. 2 which is adopted (electronically recorded).

Senator Somers offers Amendment No. 3 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 4. Senator Seymour calls the previous question, seconded by Senator Harris. The call is sustained. Amendment No. 4 is adopted (electronically recorded).

Senator Cobb offers Amendment No. 5. Senator Seymour calls the previous question, seconded by Senator Rand. The call is sustained. Amendment No. 5 is adopted (electronically recorded).

Senator Seymour calls the previous question, seconded by Senator Harris. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 358 (House Committee Substitute), an act to amend the statutes relating to the use of unemployment compensation benefits for child support and service of process upon the Employment Security Commission. (Ch. 764)

S.B. 759 (Committee Substitute No. 3), an act to authorize the formation of multiple employer trusts to provide health insurance. (Ch. 765)

S.B. 791, an act to permit certain small cities to hold alcoholic beverage elections. (Ch. 766)

H.B. 94 (Senate Committee Substitute), an act to increase fees for pollution control permits to improve permitting efficiency and compliance and to create the wastewater treatment works emergency maintenance, operation and repair fund. (Ch. 767)

H.B. 170 (Committee Substitute), an act to clarify that certain hospitals are not required to obtain a certificate of need for transferring up to sixty-five beds to skilled nursing home beds. (Ch. 768)

H.B. 363, an act to allow local boards of education to purchase buses and minibuses for the transportation of children with special needs. (Ch. 769)

H.B. 1860 (Committee Substitute), an act to provide extra pay for extra responsibilities of career status teachers. (Ch. 770)

CALENDAR (Continued)

H.B. 1389, a bill to prorate the bailment surcharge which pays for the operating budget of Alcohol Law Enforcement and to increase revenues to local ABC Boards, upon second reading.

On motion of Senator Seymour, consideration of the bill is postponed until Wednesday, August 12.

S.B. 749 (Committee Substitute), a bill to establish a Recreation and Natural Heritage Trust Program.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

S.B. 1307 (Committee Substitute), a bill to provide for the transfer of the Lenox Baker Hospital to Duke University.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Thomas objects to the third reading of the Committee Substitute bill.

Senator Royall offers a motion that the rules be suspended to allow consideration of the Committee Substitute bill upon third reading today, which motion prevails.

The Committee Substitute bill remains before the Senate for further consideration, upon third reading.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 379 (Senate Committee Substitute), a bill to make aquatic weed control projects eligible for cost sharing, and to allow the Town of Columbia and Tyrrell County to lease certain property.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

Senator Staton requests to be recorded voting 'aye' on the third reading of the Senate Committee Substitute bill.

H.B. 990, a bill authorizing the dedication of receipts generated by development of the Centennial Campus to the use of North Carolina State University at Raleigh for operation and further development of the Centennial Campus.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1710 (Committee Substitute), a bill concerning testing of swine for disease.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1945 (Committee Substitute), a bill to provide for a training program for school custodians, upon third reading.

Senator Harris offers a motion that the Committee Substitute bill be taken from the Calendar and referred to the **Manufacturing and Labor Committee**, which motion fails to prevail (electronically recorded).

The Committee Substitute bill passes its third reading (electronically recorded), and is ordered enrolled.

H.B. 1158 (Senate Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges, upon third reading.

Senator Winner withdraws his objection to the third reading of the Senate Committee Substitute bill today.

Senator Sands consequently objects to its third reading, and the Senate Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

S.B. 535 (House Committee Substitute), a bill to amend the fee schedule applicable to generators and transporters of hazardous waste and to hazardous waste facilities; to revise the name of the hazardous waste regulation study; to make technical amendments to the Marine Fisheries Act of 1987; and to amend the Business Corporation Act, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Tally, the Senate concurs in the House Committee Substitute bill, upon third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Cobb, Conder, Guy, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Royall, Seymour, Shaw, Sherron, Simpson, Somers, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

The Chair declares the Senate in recess for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Thomas, Vice-Chairman, for the **Finance Committee**:

H.B. 1050, a bill to authorize the construction and the financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University, with a favorable report.

On motion of Senator Thomas, the rules are suspended and the bill is placed on today's Calendar for consideration.

H.B. 1051, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, with a favorable report.

On motion of Senator Thomas, the rules are suspended and the bill is placed on today's Calendar for consideration.

CALENDAR (Continued)

S.B. 1402 (Committee Substitute), a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Hipps, the Senate concurs in House Amendment No. 1, upon second reading by roll-call vote, ayes 26, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Conder, Guy, Hardison, Harrington, Hipps, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Rand, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Staton, Thomas, Walker, and Ward--26.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 267 (Committee Substitute No. 2), a bill to amend Chapter 126 to provide for permanent hourly employees in the Department of Transportation.

Referred to **Appropriations Committee**.

H.B. 832, a bill to change the name of alcoholic rehabilitation centers.

Pursuant to Rule 41(b), the Chair orders the bill held in the Office of the Principal Clerk.

H.B. 837 (Committee Substitute), a bill to permit home instruction, under certain conditions, as a means of complying with compulsory school attendance requirements.

Referred to **Education Committee.**

H.B. 841 (Committee Substitute), a bill to provide for the appointment of three additional members of the North Carolina Museum of Art.

Referred to **Appropriations Committee.**

H.B. 897 (Committee Substitute), a bill to allow the Department of Crime Control and Public Safety to control and manage Butner Public Safety vehicles the same as it does Highway Patrol vehicles.

Referred to **Appropriations Committee.**

H.B. 962, a bill to reallocate funds appropriated to the City of Brevard for The Clemson Theater.

Referred to **Appropriations Committee.**

H.B. 1032 (Committee Substitute), a bill to provide for the enforceable designation of handicapped parking signs.

Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill held in the Office of the Principal Clerk.

H.B. 1066, a bill to facilitate construction of ranger's residences.

Referred to **Appropriations Committee.**

H.B. 1218 (Committee Substitute), a bill to permit the Department of Crime Control and Public Safety to contract to provide fire protection in the vicinity of Butner.

Referred to **Finance Committee.**

CALENDAR (Continued)

S.B. 685 (Committee Substitute), a bill to reform the insurance premium tax laws, for concurrence in House Amendments No. 1 and No. 2, upon second reading.

On motion of Senator Hardison, the Senate concurs in House Amendments No. 1 and No. 2, upon second reading by roll-call vote, ayes 34, noes 1, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Cobb, Conder, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rauch, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Walker, Ward, Warren, and Winner--34.

Voting in the negative: Senator Thomas--1.

The Committee Substitute bill remains on the Calendar for tomorrow for further consideration upon third reading.

S.B. 375 (House Committee Substitute), a bill to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of commercial hazardous waste treatment facilities, for concurrence in the House Committee Substitute bill.

Senator Conder moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Conder, Barker, and Swain as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 852, a bill making technical corrections to the property tax statutes concerning the listing and appraisal of property and to amend the permit fee charged to taxicab drivers, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Hardison, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

H.B. 1050, a bill to authorize the construction and the financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Cobb, Conder, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1051, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Barker, Basnight, Block, Bryan, Cobb, Conder, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rauch, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Thomas, Walker, Ward, Warren, and Winner--36.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow for further consideration upon third reading.

H.B. 1158 (Senate Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges, as amended, upon third reading.

Senator Sands withdraws his objection to the third reading of the Senate Committee Substitute bill today, and the Senate Committee Substitute bill, as amended, is placed before the Senate upon third reading.

Senator Sands offers Amendment No. 6 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 7 which is adopted (electronically recorded).

Senator Seymour offers Amendment No. 8 which is adopted (electronically recorded).

Senator Conder calls the previous question, seconded by Senator Harris. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without engrossment of Senate Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, and No. 8 by special messenger.

S.B. 182 (Committee Substitute), a bill to increase the maximum fine for violation of local ordinances of the City of Greensboro from fifty dollars to five hundred dollars,

but only if the ordinance specifically provides for the higher penalty, for concurrence in House Amendments No. 1, No. 2, and No. 3.

On motion of Senator Seymour, the Senate concurs in House Amendments No. 1, No. 2, and No. 3 (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

S.B. 777 (House Committee Substitute)

Senator Marvin, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 777** (Committee Substitute), a bill to strengthen joint custody where custody of children is at issue, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on A BILL TO BE ENTITLED AN ACT TO STRENGTHEN JOINT CUSTODY WHERE CUSTODY OF CHILDREN IS AT ISSUE, wish to report as follows:

Page 2, line 3 by adding a new sentence at the end to read:

"Absent an order of the court to the contrary, each parent shall have equal access to the records of the minor child involving the health, education, and welfare of the child."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 11th day of August, 1987.

S/Helen Marvin	S/Richard Wright
S/A. P. Sands	S/H. M. Michaux, Jr.
S/Lura Tally	S/Johnathon Rhyne
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Marvin, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1295
(Committee Substitute)

House of Representatives
August 11, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C. S. No. 1295, A BILL TO BE ENTITLED AN ACT TO PROVIDE A SUPPLEMENTAL PENSION FOR COUNTY REGISTERS OF DEEDS THROUGH INCREASED FEES PURSUANT TO CHAPTERS 25 AND 161 OF THE NORTH CAROLINA GENERAL STATUTES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

S.B. 777
(House Committee Substitute)

House of Representatives
August 11, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S. for Senate B. No. 777, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN JOINT CUSTODY WHERE CUSTODY OF CHILDREN IS AT ISSUE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

H.B. 1516 (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies except for aid to certain governmental and nongovernmental units.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, courtesies of the floor are extended to Linda Powell of the Fiscal Research Staff for the purpose of assisting in the explanation of the Committee Substitute bill.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

Senator Walker offers Amendment No. 2 which is adopted (electronically recorded).

Senator Marvin offers Amendment No. 3 which is adopted (electronically recorded).

Senator Warren offers Amendment No. 4 which is adopted (electronically recorded).

Senator Plyler offers Amendment No. 5 which is adopted (electronically recorded).

Senator Martin of Guilford offers Amendment No. 6 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded), and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5 by special messenger.

S.B. 672
(House Committee Substitute)

House of Representatives
August 11, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S. for Senate B. No. 672, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPANSION OF THE IREDELL COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO ALLOW THE BOARD OF EDUCATION TO PROVIDE FOR ELECTIONS BY DISTRICTS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CONFERENCE REPORT

S.B. 672 (House Committee Substitute)

Senator Warren, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 672** (House Committee Substitute), a bill to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for Senate Bill 672, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPANSION OF THE IREDELL COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO ALLOW THE BOARD OF EDUCATION TO PROVIDE FOR ELECTIONS BY DISTRICTS, wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendment: delete page 1, line 1, through page 2, line 24, of the House Committee Substitute and insert in lieu thereof the following:

"A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE EXPANSION OF THE IREDELL COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO ALLOW THE BOARD OF EDUCATION TO PROVIDE FOR ELECTIONS BY DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Effective on the date of ratification of this act, the Iredell County Board of Education is expanded from five to seven members. Five members shall be those presently serving as members of the Board of Education, and two members shall be appointed by the Board of Education. Within 30 days of ratification of this act, the Iredell County Board of Education shall appoint two persons, one to serve until the first Monday in December of 1988, and until a successor is elected and qualifies, and one to serve until the first Monday in December of 1990, and until a successor is elected and qualifies. In making appointments, the Iredell County Board of Education shall consider the geographic and demographic makeup of the then current board so that the appointments can help ensure that the board broadly represents all the citizens of the school unit.

Sec. 2. In 1988 and quadrennially thereafter, three members of the Iredell County Board of Education shall be elected for four-year terms. In 1990 and quadrennially thereafter, four members of the Iredell County Board of Education shall be elected for four-year terms.

Sec. 3. The Iredell County Board of Education may adopt an apportionment plan which provides that the Iredell County School Administrative Unit is divided into electoral districts for the purpose of electing members of the Iredell County Board of Education. Such plan shall not affect the right of appointed members under Section 2 of this act to finish the remainder of the term of office. The qualified voters of each district shall elect a person who resides in that district for the seat apportioned to that district. Each district shall elect one member. The apportionment plan may provide for up to three of the members of the Board of Education to be elected at-large by all the qualified voters of the school administrative unit. Any apportionment plan under this section, in order to become effective for elections in the succeeding year, must be approved by the Iredell County Board of Education no later than December 31.

Sec. 4. This act is effective upon ratification."

August 11, 1987

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/Robert D. Warren
S/James F. Richardson
S/Howard F. Bryan

Conferees on the part of the Senate

S/Robert L. McAlister
S/George W. Brannan
S/Robert Brawley
S/Ray C. Fletcher
S/Lois S. Walker

Conferees on the part of the House of Representatives

On motion of Senator Warren, the Conference Report is adopted (electronically recorded). The House Committee Substitute bill is ordered enrolled and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

H.B. 1516 (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies except for aid to certain governmental and nongovernmental units.

Senator Plyler moves that the vote by which the Committee Substitute bill, as amended, passes its third reading be reconsidered, which motion prevails, and the question reverts to the passage of the Committee Substitute bill, as amended, upon third reading.

After further debate, the Committee Substitute bill, as amended, passes its third reading and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5 by special messenger.

RE-REFERRAL

H.B. 1081, a bill requiring the printed advertisements of nonrefundable and nontransferable airline tickets sold and distributed in North Carolina to contain a full and conspicuous statement to the effect that such ticket cannot be refunded or transferred and information regarding the airline's official refund exception, and to require sellers of such tickets to post the same information.

Without objection, on motion of Senator Soles, the bill is taken from the **Judiciary IV Committee** and re-referred to the **Transportation Committee.**

The Chair declares the Senate in recess until 4:30 P.M. for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1158
(Senate Committee Substitute)

House of Representatives
August 11, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. to House B. No. 1158, A BILL TO

BE ENTITLED AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE RATE DISCOUNTS FOR PERSONS WHO ARE 55 YEARS OF AGE OR OLDER; TO FACILITATE RECOVERY OF LOSSES OF THE MOTOR VEHICLE REINSURANCE FACILITY; TO REVISE AND IMPROVE THE SUBCLASSIFICATION PLAN FOR NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE; AND TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY UPON APPLICATIONS FOR DRIVERS' LICENSES AND LIMITED DRIVING PRIVILEGES, and requests conferees. The Speaker has appointed Representatives Anderson, Sam Hunt, Nesbitt, Ed Warren, and Beall on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Smith moves that the President appoint conferees, which motion prevails. The President appoints Senators Parnell, Seymour, Smith, Soles, and Johnson of Wake as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1007 (Committee Substitute), a bill creating the Local Government Pooled Risk Retention Agency to provide reinsurance for local governmental units providing insurance for two or more local governmental units, including the financing of self-funded insurance reserves, and to amend certain general laws.
Referred to **Insurance Committee.**

CONFERENCE REPORT

S.B. 944 (House Committee Substitute)

Senator Rauch, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 944** (House Committee Substitute), a bill to add sales tax on the sale of spirituous liquor, to consolidate the State sales tax and the three local sales taxes into a single tax, to allocate a share of the consolidated tax to counties in the same proportion as revenues received under the current system, and to maintain the earmarking schedule and reporting requirements contained in the current system, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for Senate Bill 944, A BILL TO BE ENTITLED AN ACT TO ADD SALES TAX ON THE SALE OF SPIRITUOUS LIQUOR, TO CONSOLIDATE THE STATE SALES TAX AND THE THREE LOCAL SALES TAXES INTO A SINGLE TAX, TO ALLOCATE A SHARE OF THE CONSOLIDATED TAX TO COUNTIES IN THE SAME PROPORTION AS REVENUES RECEIVED UNDER THE CURRENT SYSTEM, AND TO MAINTAIN THE EARMARKING SCHEDULE AND REPORTING REQUIREMENTS CONTAINED IN THE CURRENT SYSTEM, wish to report as follows: The House recedes from House amendments #1, 2, and 6, and the Senate concurs in the House Committee Substitute with the following amendment: delete the entire House Committee Substitute and substitute the attached proposed Conference Committee Substitute S944-CCSLC-34, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON SPIRITUOUS LIQUOR AND TO PROVIDE THAT LOCAL SALES TAXES SHALL BE LEVIED BY THE COUNTY IN WHICH THE RETAILER IS LOCATED WHEN THE PROPERTY SOLD IS DELIVERED TO THE PURCHASER IN ANOTHER COUNTY.

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 11th day of August, 1987.

S/Marshall Rauch
S/Harold W. Hardison
S/Paul S. Smith

Conferees on the part of the Senate

S/George Miller, Jr.
S/Ruth Easterling
S/George M. Holmes
S/Bob Hunter
S/Joe Mavretic

Conferees on the part of the House of Representatives

The Chair rules the Conference Report material and declares submission of the Report constitutes the first reading of the House Committee Substitute bill, which changes the title upon adoption to read, **S.B. 944** (Conference Committee Substitute), a bill to increase the excise tax on spirituous liquor, and to provide that local sales taxes shall be levied by the county in which the retailer is located when the property sold is delivered to the purchaser in another county. The Chair orders it placed on the Calendar for tomorrow, August 12, 1987, for adoption upon second reading.

The text of the attached proposed Conference Committee Substitute is as follows:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE EXCISE TAX ON SPIRITUOUS LIQUOR AND TO PROVIDE THAT LOCAL SALES TAXES SHALL BE LEVIED BY THE COUNTY IN WHICH THE RETAILER IS LOCATED WHEN THE PROPERTY SOLD IS DELIVERED TO THE PURCHASER IN ANOTHER COUNTY.

Whereas, the 1985 General Assembly during its 1986 Session enacted additional law enforcement retirement benefits which costs may have exceeded available financial resources across the State requiring that additional revenue be expended; and

Whereas, it is the intent of the General Assembly that the additional revenue that will accrue to local governments as a result of this act be used to the extent necessary to fund the additional law enforcement retirement benefits; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-208(b) reads as rewritten:

"(b) Special Fund. A special fund in the office of the State Treasurer, the ABC Commission Fund, is created. On and after November 1, 1982, all moneys derived from the collection of bailment charges and bailment surcharges shall be deposited in the ABC Commission Fund for the purpose of carrying out the provisions of this Chapter. The ABC Commission Fund shall be subject to the provisions of the Executive Budget Act except that no unexpended surplus of this fund shall revert to the General Fund. The Commission shall fix the level of the bailment surcharges at an amount the retirement of bonds issued for construction of a Commission warehouse and offices. The Commission may impose a bailment surcharge only when revenue bonds issued under this section are outstanding.

All moneys credited to the ABC Commission Fund shall be used to carry out the intent and purposes of the ABC law in accordance with plans approved by the North Carolina ABC Commission and the Director of the Budget, and all these funds are appropriated, reserved, set aside, and made available until expended for the administration of the ABC law."

Sec. 2. G.S. 105-113.80(c) is rewritten to read:

"(c) Liquor. An excise tax of twenty-eight percent (28%) is levied on liquor sold in ABC stores. Pursuant to G.S. 18B-804(b), the price of liquor on which this tax is calculated to cover operating expenses of the Commission ~~and the ALE Division~~ and

computed is the distiller's price plus (i) the State ABC warehouse freight and bailment charges, and (ii) a markup for local ABC boards. This tax is in lieu of sales and use taxes; accordingly, liquor is exempt from those taxes as provided in G.S. 105-164.13(37)."

Sec. 3. Operating expenses for the ALE Division shall be paid from the budget of the Department of Crime Control and Public Safety.

Sec. 4. The last paragraph of G.S. 105-467 reads as rewritten:

"The local sales tax authorized to be imposed and levied under the provisions of this Article shall be applicable to such retail sales, leases, rentals, rendering of services, furnishing of rooms, lodgings or accommodations and other taxable transactions which are made, furnished or rendered by retailers whose place of business is located within the taxing county. The tax imposed shall apply to the furnishing of rooms, lodging or other accommodations within the county which are rented to transients. ~~However no tax shall be imposed where the tangible personal property sold is delivered to the purchaser at a point outside the taxing county by the retailer or his agent, or by a common carrier~~. For the purpose of this Article, the situs of a transaction is the location of the retailer's place of business."

Sec. 5. Section 4 of Chapter 1096 of the 1967 Session Laws, as amended, is further amended by deleting the sentence at the end of that section that begins "No tax shall" and substituting the following:

"For the purpose of this act, the situs of a transaction is the location of the retailer's place of business."

Sec. 6. G.S. 105-486 reads as rewritten:

§ 105-486. Distribution of additional taxes. (a) County Allocation. The Secreatry shall, on a quarterly basis, ~~distribute~~ allocate the net proceeds of the additional one-half percent (1/2%) sales and use taxes levied under this Article to the taxing counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State Budget Officer.

(b) Adjustment. The Secretary shall then adjust the amount allocated to each county under subsection (a) by multiplying the amount by the appropriate adjustment factor set out in the table below:

County	Adjustment Factor
Dare	1.49
Brunswick	1.17
Orange	1.15
Carteret and Durham	1.14
Avery	1.12
Moore	1.11
Transylvania	1.10
Chowan, McDowell, and Richmond	1.09
Pitt and New Hanover	1.07
Beaufort, Perquimans, Buncombe, and Watauga	1.06
Cabarrus, Jackson, and Surry	1.05
Alleghany, Bladen, Robeson, Washington, Craven, Henderson, Onslow, and Vance	1.04
Gaston, Granville, and Martin	1.03
Alamance, Burke, Caldwell, Chatham, Duplin, Edgecombe, Haywood, Swain, and Wilkes	1.02
Hertford, Union, Stokes, Yancey, Halifax, Rockingham, and Cleveland	1.01

Alexander, Anson, Johnston, Northampton, Pasquotank, Person, Polk, and Yadkin	1.00
Catawba, Harnett, Iredell, Pamlico Pender, Randolph, Stanly, and Tyrrell	0.99
Cherokee, Cumberland, Davidson, Graham, Hyde, Macon, Rutherford, Scotland, and Wilson	0.98
Ashe, Bertie, Franklin, Hoke, Lincoln, Montgomery, and Warren	0.97
Wayne, Clay, Madison, Sampson, Wake, Lee, and Forsyth	0.96
Caswell, Gates, Mitchell, and Greene	0.95
Currituck and Guilford	0.94
Davie and Nash	0.93
Rowan and Camden	0.92
Jones	0.90
Mecklenburg	0.89
Lenoir	0.88
Columbus	0.81

(c) Distribution Between Counties and Cities. The amount ~~distributed to a~~ allocated to each taxing county shall then be divided among the county and its municipalities in accordance with the method by which the one percent (1%) sales and use taxes levied in that county pursuant to Article 39 of this Chapter or Chapter 1096 of the 1967 Session Laws are distributed. If any taxes levied under this Article by a county have not been collected in that county for a full quarter because of the levy or repeal of the taxes, the Secretary shall distribute a pro rata share to that county for that quarter based on the number of months the taxes were collected in that county during the quarter."

Sec. 7. G.S. 105-493 reads as rewritten:

"**§ 105-493. Distribution of taxes.** The Secretary shall, on a quarterly basis, ~~distribute~~ allocate the net proceeds of any one-half percent (1/2%) sales and use taxes levied under this Article in accordance with G.S.105-486. For the purposes of the ~~distribution~~ allocation under G.S. 105-486, a county that levies one-half percent (1/2%) sales and use taxes under this Article is considered a taxing county under that section. To make the distribution ~~allocation~~ required by G.S. 105-486 and this section, the Secretary shall add the net proceeds of local sales and use taxes levied under Article 40 of this Chapter and under this Article, and shall then ~~distribute~~ allocate this amount to the taxing counties on a per capita basis as provided in G.S. 105-486. The amount ~~distributed~~ allocated to a county that levies one-half percent (1/2%) sales and use taxes under this Article shall be adjusted by multiplying it by the appropriate adjustment factor set out in the table in G.S. 105-486(b) and then divided among the county and its municipalities on either a per capita or an ad valorem tax basis, as designated by the board of county commissioners in a resolution adopted pursuant to G.S. 105-472. If any taxes levied under this Article by a county have not been collected in that county for a full quarter because of the levy or repeal of the taxes, the Secretary shall distribute a pro rata share to that county for that quarter based on the number of months the taxes were collected in that county during the quarter."

Sec. 8. G.S. 1105-501 reads as rewritten:

"**§ 105-501. Distribution of additional taxes.** The Secretary shall, on a quarterly basis, ~~distribute~~ allocate the net proceeds of the additional one-half percent (1/2%) sales and use taxes levied under this Article to the taxing counties on a per capita basis according to the most recent annual population estimates certified to the located in the county in accordance with the method by which the one percent (1%) sales and use taxes levied in that county pursuant to Article 39 of this Chapter or Chapter 1096 of the 1967 Session Laws are distributed.

Secretary by the State Budget Officer. The Secretary shall then adjust the amount allocated to each county by multiplying the amount by the appropriate adjustment factor set out in the table in G.S. 105-486(b). The amount ~~distributed to a~~ allocated to each taxing county shall then be divided among the county and the municipalities

If any taxes levied under this Article by a county have not been collected in that county for a full quarter because of the levy or repeal of the taxes, the Secretary shall distribute a pro rata share to that county for that quarter based on the number of months the taxes were collected in that county during the quarter."

Sec. 9. The board of commissioners of any county may, by resolution, after 10 days' public notice and a public hearing held pursuant thereto, adopt the expansion of the local sales tax levy provided in this act. Upon adoption of such a resolution, the board of commissioners shall forward a copy of the resolution to the Secretary of Revenue. Pursuant to the provisions of G.S. 105-483, 105-490, and 105-498, adoption of the expansion of the Local Government Sales and Use Act provided in Section 4 of this act constitutes adoption of an equivalent expansion of the local sales taxes levied under Articles 40, 41, and 42 of Chapter 105 of the General Statutes.

Sec. 10. If a county fails to adopt the expansion of the Local Government Sales and Use Tax Act provided in Section 4 of this act on or before February 1, 1988, the sales and use taxes levied by the county pursuant to Articles 39, 40, 41, and 42 are repealed effective March 1, 1988, because they will be inconsistent with the scope of the levies authorized by those Articles as amended effective March 1, 1988. If Mecklenburg County fails to adopt the expansion of Section 4 of Chapter 1096 of the 1967 Session Laws provided in Section 5 of this act on or before February 1, 1988, the sales and use tax levied by Mecklenburg County pursuant to Chapter 1096 of the 1967 Session Laws is repealed effective March 1, 1988, because it will be inconsistent with the scope of the levy authorized by that Chapter as amended effective March 1, 1988, and the sales and use taxes levied by Mecklenburg County pursuant to Articles 40, 41, and 42 are repealed effective March 1, 1988, because those Articles will no longer apply to Mecklenburg County, as provided in G.S. 105-482, 105-489, and 105-497. If the sales and use taxes levied by a county are repealed as provided in this section because the county failed to adopt the expansion of the local sales tax levy, the county may, on or after March 1, 1988, levy local sales and use taxes in accordance with the provisions of Articles 39, 40, 41, and 42 of Chapter 105 of the General Statutes and Chapter 1096 of the 1967 Session Laws, as applicable.

Sec. 11. This act does not affect the rights or liabilities of the State, a taxpayer, or other person arising under a statute amended or repealed by this act before its amendment or repeal; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the amended or repealed statute before its amendment or repeal.

Sec. 12. It is the intent of the General Assembly that a Select Committee composed of members of the General Assembly shall be appointed to study the impact on local sales and use tax revenue and the administrative cost savings to the State of consolidating the local sales and use taxes levied under Articles 39, 40, 41, and 42 of Chapter 105 of the General Statutes and under Chapter 1096 of the 1967 Session Laws, as amended, with the State sales and use tax levied under Article 5 of Chapter 105 of the General Statutes. It is further intended that the Select Committee shall report to the 1987 General Assembly on the first day of the 1988 Regular Session.

Sec. 13. It is the intent of the General Assembly that if the local sales and use taxes levied under Articles 39, 40, 41, and 42 of Chapter 105 of the General Statutes and under Chapter 1096 of the 1967 Session Laws, as amended, are at a later date consolidated with the State sales and use taxes levied under Article 5 of Chapter 105 of the General Statutes, then the legislation enacting the consolidation shall also change the method of distributing the proceeds of the excise tax on liquor levied under G.S. 105-113.80(c) from the current formulation to a new method that would distribute one-eighth (1/8) of the total proceeds of that excise tax to local governments in the

same manner as the State sales and use tax proceeds that are distributed to local governments under the legislation that consolidates the local sales taxes with the State sales tax.

Sec. 14. Section 1 through 3 of this act shall become effective October 1, 1987. Sections 4 through 8 of this act shall become effective March 1, 1988, and apply to sales made on or after that date. The remainder of this act is effective upon ratification.

On motion of Senator Harrington, seconded by Senator Bryan, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED THIRTY-THIRD DAY

SENATE CHAMBER,
Wednesday, August 12, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Arlee Griffith, Minister of Greenville Corner Stone People's Free Will Baptist Church, Greenville, as follows:

"Our Heavenly Father, we thank You for this opportunity to serve You. We must not let the beauty of this day, or the glow of good health, or the present success of our undertakings deceive us into a false reliance on our own strength.

"You have given us every good thing. We cannot expect Your blessings and guidance in our public lives while we close the door to our private lives. You know what we are, wherever we are. Help us to do the best that we can for all the people that we serve. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Goldston and to Senator Soles, who is attending the funeral of Horace Long in Whiteville.

Without objection, on motion of Senator Parnell, the rules are suspended to allow members of the Senate Conference Committees to confer with members of the House Conference Committees during today's Session.

CONFERENCE REPORT

H.B. 1142 (Senate Committee Substitute)

Senator Rauch for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1142** (Senate Committee Substitute), a bill to make technical changes to the Revenue Laws and Machinery Act, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Bill 1142

(Fifth Edition Engrossed), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS AND MACHINERY ACT, wish to report as follows:

the house concurs in the Senate Committee Substitute (Fifth Edition Engrossed), with the following amendment:

on page 11, lines 10-11 by adding between the lines a new section to read:

"Sec. 18.2. (a) G.S. 115C-489.2(a), as enacted by Chapter 622 of the 1987 Session Laws, is amended by rewriting the first sentence to read:

'The board of county commissioners and the board of education of a local school administrative unit that is located entirely within one county shall apply jointly for a grant from the Fund to meet a particular critical need in the local school administrative unit; the board of education of a local school administrative unit that is located in more than one county shall apply directly for a grant from the Fund to meet a particular critical need in the local school administrative unit.'

(b) G.S. 115C-546.2(b), as enacted by Chapter 622 of the 1987 Session Laws, is amended by adding after the first paragraph a new paragraph to read:

'In the case of a local school administrative unit located in more than one county, the county shall allocate the monies in the Fund between the local school administrative unit located partially in the county and the other unit or units in the county on the basis of average daily membership attributable to the county, as estimated by the Department of Public Instruction.'

(c) This section applies only to Nash and Edgecombe Counties and to local school administrative units located in those counties."

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of August, 1987.

S/Marshall Rauch	S/George Miller, Jr.
S/Harold W. Hardison	S/Joe Mavretic
S/Ollie Harris	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Rauch, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF JOINT LEGISLATIVE COMMITTEE

Senator Winner, Chairman of the **Joint Legislative Ethics Committee** submits the following report:

REPORT OF THE LEGISLATIVE ETHICS COMMITTEE WITH RESPECT TO AN INQUIRY INTO THE ACTS OF REPRESENTATIVE JAMES HUGHES

The Joint Legislative Ethics Committee pursuant to G.S. 120-103 is empowered to determine if legislators have violated the provisions of Article 14 of Chapter 120 of the General Statutes and only of that Article (except for G.S. 143-559). The Committee understands G.S. 120-103 to mean that it shall determine whether legislators have violated specific statutes contained in said Article or the ethical rulings previously determined by the Committee or its predecessors and disseminated to the individual members of the General Assembly.

The Committee met in executive session five times to consider the allegations of unethical conduct against Representative Hughes before its public hearings. The Committee heard the SBI investigative report on these allegations. The Committee held two public hearings, one in Raleigh and one in Boone. The Committee has heard evidence from all of the witnesses which it subpoenaed in this matter and from some of the witnesses subpoenaed by Representative Hughes. More than twenty-five witnesses appeared before the Committee.

The Committee finds that there is no evidence from which it could find that Representatives Hughes violated any statutes contained in Article 14 of Chapter 120 of the General Statutes or from any ethical ruling which it has or its predecessors has previously made and disseminated to the membership of the General Assembly.

The Committee therefore dismisses the complaint and inquiry into the alleged acts of Representative James Hughes.

This 12th day of August, 1987.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 62, an act to establish and maintain a Depository Library System for publications of North Carolina State Government. (Ch. 771)

S.B. 182 (Committee Substitute), an act to increase the maximum fine for violation of ordinances of the City of Greensboro from fifty dollars to five hundred dollars, but only if the ordinance specifically provides for the higher penalty. (Ch. 772)

S.B. 535 (House Committee Substitute), an act to amend the fee schedule applicable to generators and transporters of hazardous waste and to hazardous waste facilities; to revise the name of the hazardous waste regulation study; to make technical amendments to the Marine Fisheries Act of 1987; and to amend the Business Corporation Act. (Ch. 773)

S.B. 607, an act to modify and expand the distribution by the Office of Administration Hearings of the North Carolina Register and other documents. (Ch. 774)

S.B. 672 (House Committee Substitute), an act to provide for the expansion of the Iredell County Board of Education from five to seven members, and to allow the Board of Education to provide for elections by districts. (Ch. 775)

S.B. 777 (Committee Substitute), an act to strengthen joint custody where custody of children is at issue. (Ch. 776)

S.B. 852, an act making technical corrections to the property tax statutes concerning the listing and appraisal of property and to amend the permit fee charged to taxicab drivers. (Ch. 777)

H.B. 24, an act to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions, and to make technical changes in the income tax statutes necessitated by the Tax Reform Act of 1986. (Ch. 778)

H.B. 217, an act to provide for the establishment of a commission to erect a monument to the veterans of World War I, World War II, and the Korean War. (Ch. 779)

H.B. 265, an act to revise the duties of the Council on Developmental Disabilities. (Ch. 780)

H.B. 379 (Senate Committee Substitute), an act to make aquatic weed control projects eligible for cost sharing, and to allow the Town of Columbia and Tyrrell County to lease certain property. (Ch. 781)

H.B. 458 (Senate Committee Substitute), an act to amend the communicable disease law. (Ch. 782)

H.B. 609 (Senate Committee Substitute No. 2), an act to make various amendments to the General Statutes and to clarify Chapter 105 of the 1987 Session Laws. (Ch. 783)

H.B. 677, an act to authorize area authorities to use State or local funds for the purchase or repair of 24-hour and day facilities. (Ch. 784)

H.B. 746 (Committee Substitute), an act to allocate funds to a special fund of the Department of Public Education, Division of Public Instruction for expansion of the public schools' Basic Skills Program in Economic Education. (Ch. 785)

H.B. 749 (Committee Substitute), an act to enable the County of New Hanover and all municipalities therein to regulate removal of trees within their regulatory jurisdiction. (Ch. 786)

H.B. 773 (Senate Committee Substitute), an act to prevent certain unfair methods of competition in the advertising and sale of insurance; and to require the fair representation of policy benefits in Medicare supplement policies. (Ch. 787)

H.B. 853 (Senate Committee Substitute), an act to make changes in the Child Day Care Law. (Ch. 788)

H.B. 926 (Senate Committee Substitute), an act amending the City Charter of the City of Durham and Chapter 908, Session Laws of 1985 with respect to urban development projects. (Ch. 789)

H.B. 990, an act authorizing the dedication of receipts generated by development of the Centennial Campus to the use of North Carolina State University at Raleigh for operation and further development of the Centennial Campus. (Ch. 790)

H.B. 1270 (Committee Substitute), an act to amend the law regarding school reassignment hearings. (Ch. 791)

H.B. 1295 (Committee Substitute), an act to provide a supplemental pension for County Registers of Deeds through increased fees pursuant to Chapters 25 and 161 of the North Carolina General Statutes. (Ch. 792)

H.B. 1710 (Committee Substitute), an act concerning testing of swine for disease. (Ch. 793)

H.B. 1945 (Committee Substitute), an act to provide for a training program for school custodians. (Ch. 794)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee**:

H.B. 124 (Committee Substitute), a bill to prohibit weapons in courthouses, with a favorable report.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 375
(House Committee Substitute)

House of Representatives
August 12, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to Senate B. No. 375, A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS AND THEIR PARENT CORPORATIONS TO BE RESPONSIBLE FOR COSTS AND LIABILITIES ARISING FROM THE OPERATION OF COMMERCIAL HAZARDOUS WASTE TREATMENT FACILITIES, the Speaker has appointed as conferees on the part of the House, Representatives Hackney, DeVane, and Hasty to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

S.B. 508 (Committee Substitute), a bill to amend the assessment procedures for defendants sentenced for driving while impaired, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, **S.B. 508** (House Committee Substitute), a bill to amend the assessment procedures for defendants sentenced for driving while impaired and to establish pilot programs.

On motion of Senator Harris, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 668 (Committee Substitute), a bill regarding flying while impaired, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read, **S.B. 668** (House Committee Substitute), a bill to provide for effective measures to combat the operation of aircraft while impaired and to combat tampering with aircraft or airport facilities, which is placed on the Calendar for tomorrow.

S.B. 739 (House Committee Substitute), a bill to toll the statute of limitations in a civil action during a period of incompetency, for concurrence in the House Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 771 , a bill to limit the liability of a director of a religious society, a fraternal society or order, or any nonprofit association, organization, or entity, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read, **S.B. 771** (House Committee Substitute), a bill to limit the liability of a director, trustee, or officer of a religious society, a fraternal society or order, or a nonprofit corporation.

On motion of Senator Daniel, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 853 (Committee Substitute), a bill to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax, for concurrence in House Amendment No. 1.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

H.B. 639

Senator Winner, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 639**, a bill to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 639, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 7A-657 TO ALLOW WAIVER OF PERIODIC REVIEW HEARINGS OF CUSTODY ORDERS, wish to report as follows: The House concurs in Senate amendment #1.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of August, 1987.

S/Winner	S/Richard Wright
S/Joe Johnson	S/Donald Dawkins
S/Jim Johnson	S/Anne C. Barnes
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Winner, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

S.B. 1395, a bill to revise the administration of the Teachers' and State Employees' Comprehensive Major Medical Plan, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

Without objection, on motion of Senator Plyler, Sam Byrd of the Fiscal Research Staff is granted courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill.

Senator Walker offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

S.B. 755 (Committee Substitute), a bill to provide a site to the United States Department of Energy for a "Superconducting Super Collider," with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration in its regular order of business.

S.B. 1185 (Committee Substitute), a bill to transfer the Buncombe County Community Penalties Program from the Department of Crime Control and Public Safety to the Administrative Office of the Courts, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 267 (Committee Substitute No. 2), a bill to amend Chapter 126 to provide for permanent hourly employees in the Department of Transportation, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar for consideration in its regular order of business.

H.B. 1717, a bill requiring the Wildlife Resources Commission to report to the Joint Legislative Commission on Governmental Operations prior to making certain expenditures from the Wildlife Resources Fund, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 852, a bill to provide a contributory death benefit for retired members of the Teachers' and State Employees' Retirement System, the Legislative Retirement System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System, as amended, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 109 (Committee Substitute), a bill to establish the Business License Information Office, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 834, a bill to make certain Insurance Department employees eligible for death benefits while engaged in certain fire and rescue activities, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed on today's Calendar for consideration in its regular order of business.

H.B. 576, a bill to recodify and amend Part 18, Article 3, of Chapter 143B of the General Statutes concerning the Sickle Cell Program, as amended, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill, as amended, is placed on today's Calendar for consideration in its regular order of business.

S.B. 753, a bill to require the Department of Commerce to sponsor a model shared foreign sales corporation to promote exports by small and mid-sized North Carolina businesses, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended and the bill is placed on today's Calendar for consideration in its regular order of business.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The voting equipment is declared inoperative for a portion of today's Session.)

S.B. 944 (Conference Committee Substitute), a bill to increase the excise tax on spirituous liquor, and to provide that local sales taxes shall be levied by the county in which the retailer is located when the property sold is delivered to the purchaser in another county, Conference Report for adoption, upon second reading.

On motion of Senator Rauch, the Conference Report submitted Tuesday, August 11, is adopted upon second reading by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, and Winner--40.

Voting in the negative: Senators Cobb, Johnson of Cabarrus, McDuffie, and Somers--4.

The Chair orders the Conference Report placed on the Calendar for tomorrow, for adoption upon third reading.

H.B. 507 (Committee Substitute No. 2), a bill to clarify the law concerning local regulation of the placement of manufactured homes and to require taxation of manufactured homes as real property, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 36, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Block, Bryan, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Somers, Speed, Staton, Swain, Tally, Walker, and Ward--36.

Voting in the negative: Senators Kincaid and Simpson--2.

The Committee Substitute bill No. 2 is ordered enrolled.

S.B. 306 (Committee Substitute), a bill to clarify the law concerning local regulation of the placement of manufactured homes, upon second reading.

On motion of Senator Plyler, consideration of the Committee Substitute bill is postponed until tomorrow.

S.B. 848 (Committee Substitute No. 2), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority and to provide for the management of low-level radioactive waste in North Carolina, upon second reading.

On motion of Senator Tally, consideration of the Committee Substitute bill No. 2 is postponed until tomorrow.

CONFERENCE REPORT

S.B. 375 (House Committee Substitute)

Senator Conder, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 375** (House Committee

Substitute), a bill to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of commercial hazardous waste treatment facilities, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on SB 375, House Committee Substitute, A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS AND THEIR PARENT CORPORATIONS TO BE RESPONSIBLE FOR COSTS AND LIABILITIES ARISING FROM THE OPERATION OF COMMERCIAL HAZARDOUS WASTE TREATMENT FACILITIES (5th Ed), wish to report as follows:

The Senate concurs in the House Committee Substitute, 5th Edition engrossed, with an amendment as follows:

on page 2, lines 1 and 4 by adding immediately before "facility" on both lines the words "commercial hazardous waste treatment"

and the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/J. Richard Conder
S/Bill Barker
S/Robert S. Swain

Conferees on the part of the Senate

S/Daniel H. DeVane
S/John C. Hasty

Conferees on the part of the House of Representatives

On motion of Senator Conder, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1142
(Senate Committee Substitute)

House of Representatives
August 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Com. Sub. for House B. No. 1142, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS AND MACHINERY ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 639

House of Representatives
August 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House B. No. 639, A BILL TO

BE ENTITLED AN ACT TO ALLOW WAIVER OF PERIODIC REVIEW HEARINGS OF CUSTODY ORDERS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR (Continued)

H.B. 1050, a bill to authorize the construction and the financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1051, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Cobb, Conder, Daniel, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Somers, Staton, Swain, Tally, Thomas, Walker, Ward, Warren, and Winner--45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1389, a bill to prorate the bailment surcharge which pays for the operating budget of Alcohol Law Enforcement and to increase revenues to local ABC boards, upon second reading.

On motion of Senator Seymour, the bill is referred to the **Alcoholic Beverage Control Committee**.

CONFERENCE REPORT

H.B. 1262

Senator Swain, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1262** (Senate Committee Substitute), a bill to make technical and clarifying changes to the Clean Detergent Act, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1262 (Senate Committee Substitute 7/28/87, 5th edition), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE CLEAN DETERGENT ACT, wish

to report as follows: that the Senate recedes from its amendments and committee substitute and the House agrees to insert the word and comma "professional,", immediately following the word "clean" on page 1, line 12 of the House Committee Substitute of the 3rd Edition and the Conferees agree to add the following:

"Section 2. The provisions of this act shall become effective January 1, 1988."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of August, 1987.

S/Robert S. Swain	S/Joe Hackney
S/Russell Walker	S/Anne C. Barnes
S/Winner	S/Bruce Ethridge
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Swain, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

DISMISSAL OF CONFEREE

H.B. 1158 (Senate Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges.

The Chair dismisses Senator Soles as a conferee on the part of the Senate and appoints Senator Staton, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 753, a bill to require the Department of Commerce to sponsor a model shared foreign sales corporation to promote exports by small and mid-sized North Carolina businesses.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

S.B. 1185 (Committee Substitute), a bill to transfer the Buncombe County Community Penalties Program from the Department of Crime Control and Public Safety to the Administrative Office of the Courts.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Cobb to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow for further consideration.

S.B. 755 (Committee Substitute), a bill to provide a site to the United States Department of Energy for a "Superconducting Super Collider."

Without objection, on motion of Senator Royall, courtesies of the floor are granted to members of the Fiscal Research Staff for the purpose of assisting in the explanation of the Committee Substitute bill.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CONFERENCE REPORTS

H.B. 1208

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1208** (Senate Committee Substitute), a bill to amend Chapter 50B by clarifying the definition of bodily injury for children in domestic violence cases, by allowing the filing of a motion in certain existing actions for domestic violence relief, and by requiring notice of hearings for emergency relief, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1208 (Senate Committee Substitute 7/21/87), AN ACT TO AMEND CHAPTER 50B BY CLARIFYING THE DEFINITION OF BODILY INJURY FOR CHILDREN IN DOMESTIC VIOLENCE CASES, BY ALLOWING THE FILING OF A MOTION IN CERTAIN EXISTING ACTIONS FOR DOMESTIC VIOLENCE RELIEF, AND BY REQUIRING NOTICE OF HEARINGS FOR EMERGENCY RELIEF, wish to report as follows: The House Concurs in the Senate Committee Substitute and the House and Senate agree to the following amendment:

on page 2, lines 19-30, by rewriting subsections (b) and (c) to read:

(b) Emergency relief.-- A party may move the court for emergency relief if he or she believes there is a danger of serious and immediate injury to himself or herself or a minor child. A hearing on a motion for emergency relief, where no *ex parte* order is entered, shall be held after 5 days notice of the hearing to the other party or after 5 days from the date of service of process on the other party, whichever occurs first, provided, however, that no hearing shall be required if the service of process is not completed on the other party.

(c) *Ex parte* orders.-- Prior to the hearing, if it clearly appears to the court from specific facts shown, that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the court may enter such orders as it deems necessary to protect the aggrieved party or minor children from such acts. Upon the issuance of an *ex parte* order under this subsection, a hearing shall be held within 10 days from the date of issuance of the order or within 7 days from the date of service of process on the other party, whichever occurs later."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/A. P. Sands	S/Joe Hackney
S/George B. Daniel	S/Ruth M. Easterling
S/Robert S. Swain	S/J. Kerr
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 781 (House Committee Substitute)

Senator Ezzell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 781** (House Committee

Substitute), a bill to provide that the cities and counties need not mail zoning notices for a revision of the complete zoning ordinance or map, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for Senate Bill 781, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITIES AND COUNTIES NEED NOT MAIL ZONING NOTICES FOR A REVISION OF THE COMPLETE ZONING ORDINANCE OR MAP, wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendment:

delete page 1, line 1, through page 2, line 24, of the House Committee Substitute and insert in lieu thereof the following:

"A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITIES AND COUNTIES NEED NOT MAIL ZONING NOTICES FOR A TOTAL REZONING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-384 reads as rewritten:

'§ 160A-384. Method of procedure.--The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article. The procedures adopted pursuant to this section shall provide that whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts~~.~~, provided that this sentence does not apply in the case of a total rezoning of all property within the corporate boundaries of a municipality. The person or persons mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.'

Sec. 2. G.S. 153A-343 reads as rewritten:

'§ 153A-343. Method of procedure.--The board of commissioners shall, in accordance with the provisions of this Article, provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. The procedures adopted pursuant to this section shall provide that whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts~~.~~, provided that this sentence does not apply in the case of a total rezoning of all property within the boundaries of a county. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.'

Sec. 3. This act is effective upon ratification."

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

August 12, 1987

This the day of

S/J. E. Ezzell	S/Richard Wright
S/Austin Allran	S/Betsy Cochrane
S/George B. Daniel	S/Daniel H. DeVane
S/Robert G. Shaw	S/Mary Jarrell
S/J. K. Sherron, Jr.	S/Frank J. Sizemore
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Ezzell, the Conference Report is adopted (electronically recorded), which changes the title to read, **S.B. 781** (House Committee Substitute), a bill to provide that the cities and counties need not mail zoning notices for a total rezoning and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 57 (Committee Substitute), a bill to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 109 (Committee Substitute), a bill to establish the Business License Information Office.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 742, a bill to regulate hunting and promote firearms safety in Wake County.

On motion of Senator Rand, the rules are suspended, and the bill is taken from the **Judiciary IV Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR (Continued)

H.B. 267 (Committee Substitute No. 2), a bill to amend Chapter 126 to provide for permanent hourly employees in the Department of Transportation.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 545, a bill to revise the purchase of creditable service in the Teachers' and State Employees' Retirement System for leaves of absence while in receipt of workers' compensation benefits.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 781
(House Committee Substitute)

House of Representatives
August 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Com. Sub. for Senate B. No. 781, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITIES AND COUNTIES NEED NOT MAIL ZONING NOTICES FOR A TOTAL REZONING, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

CALENDAR (Continued)

H.B. 576, a bill to recodify and amend Part 18, Article 3, of Chapter 143B of the General Statutes concerning the Sickle Cell Program, as amended.

Senator Harris offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

H.B. 834, a bill to make certain insurance department employees eligible for death benefits while engaged in certain fire and rescue activities.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1018, a bill to allow a retiring member of the Teachers' and State Employees' Retirement System to receive service credit for up to 12 days of unused accumulated sick leave per year of membership service.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 852, a bill to provide a contributory death benefit for retired members of the Teachers' and State Employees' Retirement System, the Legislative Retirement System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System, as amended.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1515 (Committee Substitute), a bill to appropriate funds to State departments, institutions, and agencies for aid to certain governmental and nongovernmental units.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Hipps offers Amendment No. 2 which is adopted (electronically recorded).

Senator Warren offers Amendment No. 3 which is adopted (electronically recorded).

Senator Warren offers Amendment No. 4.

Pursuant to Rule 42.4, the Chair rules Amendment No. 4 out of order.

Senator Hipps moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails.

Without objection, Senator Hipps withdraws Amendment No. 2.

Senator Hipps offer Amendment No. 5 which is adopted (electronically recorded).

Senator Martin of Guilford offers Amendment No. 6.

Pursuant to Rule 42.4, the Chair rules Amendment No. 6 out of order.

Senator Plyler calls the previous question, seconded by Senator Taft. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Harris offers Amendment No. 7 which he subsequently withdraws.

Senator Plyler calls the previous question, seconded by Senator Rand. The call is sustained.

The Committee Substitute bill, as amended, passes its third reading and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 3, and No. 5 by special messenger.

Senator Guy requests to be recorded voting "aye" on the third reading of the Committee Substitute bill.

CALENDAR (Continued)

S.B. 1185 (Committee Substitute), a bill to transfer the Buncombe County Community Penalties Program from the Department of Crime Control and Public Safety to the Administrative Office of the Courts, upon third reading.

Senator Swain offers a motion that the rules be suspended to allow the third reading of the Committee Substitute bill, which motion prevails (electronically recorded), and the bill remains before the Senate upon third reading.

Senator Parnell offers Amendment No. 1.

Senator Swain calls the previous question, seconded by Senator Hardison. The call is sustained.

Amendment No. 1 is adopted (electronically recorded).

Senator Swain calls the previous question, seconded by Senator Hardison. The call is sustained.

The Committee Substitute bill, as amended, passes its third reading and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1516 (Committee Substitute), an act to make appropriations to provide capital improvements for State departments, institutions, and agencies except for aid to certain governmental and nongovernmental units. (Ch. 795)

S.B. 110 (Committee Substitute), an act to create the North Carolina Clean Water Loan and Grant Program. (Ch. 796)

S.B. 508 (House Committee Substitute), an act to amend the assessment procedures for defendants sentenced for driving while impaired and to establish pilot programs. (Ch. 797)

S.B. 739 (House Committee Substitute), an act to toll the statute of limitations in a civil action during a period of incompetency. (Ch. 798)

S.B. 771 (House Committee Substitute), an act to limit the liability of a director, trustee, or officer of a religious society, a fraternal society or order, or a nonprofit corporation. (Ch. 799)

S.B. 853 (Committee Substitute), an act to clarify the sales tax exemption of certain agricultural equipment and to exempt other agricultural equipment from sales tax. (Ch. 800)

H.B. 684, an act to amend the Cary Charter concerning development or facility fees for road projects. (Ch. 801)

H.B. 923, an act authorizing the City of Durham to establish, impose and collect facilities fees on new construction within the City and the City's extraterritorial jurisdiction area. (Ch. 802)

H.B. 1050, an act to authorize the construction and the financing of certain capital improvements projects by the University of North Carolina at Chapel Hill and East Carolina University. (Ch. 803)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 432
(Senate Committee Substitute No. 2)

House of Representatives
August 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Com. Sub. #2 to House B. No. 432, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO CONDUCT BACKGROUND INVESTIGATIONS ON PERSONS TO BE CONFIRMED BY THE GENERAL ASSEMBLY, THE SENATE, OR THE HOUSE OF REPRESENTATIVES, and requests conferees. The Speaker has appointed Representatives Wicker, Hunter, and Sam Hunt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Winner moves that the President appoint conferees, which motion prevails. The President appoints Senators Winner, Kaplan, and Rand as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate in recess for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 35 (Committee Substitute #2), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority, to provide for the management of low-level radioactive waste in North Carolina, and to amend the Southeast Interstate Low-Level Radioactive Waste Management Compact.

Referred to **Environment Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Commerce Committee:**

H.B. 1022, a bill to amend Chapter 58 relating to credit insurance, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

The Chair declares the Senate Committee Substitute bill does not require a call of the roll.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

By Senator Ezzell for the **Local Government and Regional Affairs I Committee:**

H.B. 845, a bill to authorize the Mecklenburg County Manager to negotiate an increased cost for contract extensions, with a favorable report, as amended.

On motion of Senator Ezzell, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 674, a bill to change the allocation of Appellate Division reports to the Department of Community Colleges.

Referred to **Appropriations Committee.**

CALENDAR (Continued)

H.B. 1717, a bill requiring the Wildlife Resources Commission to report to the Joint Legislative Commission on Governmental Operations prior to making certain expenditures from the Wildlife Resources Fund.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 685 (Committee Substitute), a bill to reform the insurance premium tax laws, for concurrence in House Amendments No. 1 and No. 2, upon third reading.

On motion of Senator Rauch, the Senate concurs in House Amendments No. 1 and No. 2 upon third reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Cobb, Conder, Ezzell, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Swain, Taft, Tally, Walker, Ward, Warren, and Winner--36.

Voting in the negative: Senator Thomas--1.

The Committee Substitute bill is ordered enrolled.

S.B. 1402 (Committee Substitute), a bill to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1, upon third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Cobb, Conder, Ezzell, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--37.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 124 (Committee Substitute), a bill to prohibit weapons in courthouses.

The Committee Substitute bill passes its second reading (electronically recorded), and without objection, remains before the Senate for further consideration upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

Senator Sands offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill which is read the first time and disposed of as follows:

H.B. 85, a bill to allow a refund from the Teachers' and State Employees' Retirement System and Local Governmental Employees' Retirement System of certain excess contributions to members in retirement.

Referred to **Pensions and Retirement Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 274 (Committee Substitute), a bill providing a funding formula and a selection process for the inclusion of works of art in State buildings.

Referred to **Appropriations Committee.**

H.B. 1202 (Committee Substitute), a bill to appropriate funds to encourage increased government purchasing from small businesses, especially businesses owned by minorities, disabled persons, and women.

Referred to **Appropriations Committee.**

H.B. 1478, a bill to urge third-party payors of health benefits to cover diabetes outpatient self-treatment and to appropriate funds to the Department of Insurance to report on compliance.

Referred to **Appropriations Committee.**

H.B. 970 House of Representatives
August 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has appointed Representative Foster to replace Representative Dawkins to serve as House Conferee on HB 970, "A BILL TO BE ENTITLED AN ACT TO INCREASE THE THRESHOLD AMOUNTS IN THE BID STATUTES FOR PURCHASES, AND TO AUTHORIZE WAIVER OF CERTAIN BID BONDS.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Harrington, seconded by Senator Shaw, the Senate adjourns to meet tomorrow at 9:00 A.M.

ONE HUNDRED THIRTY-FOURTH DAY

SENATE CHAMBER,
Thursday, August 13, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable A. D. Guy, Senator from Onslow County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Goldston.

The President extends courtesies of the floor to the Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina and to William W. Redman, Jr., Utilities Commissioner and former Senator from Iredell County.

RECALL FROM THE HOUSE

On motion of Senator Plyler and without objection, the Chair orders **H.B. 1515** (Committee Substitute), a bill to appropriate funds to State departments, institutions, and agencies for aid to certain governmental and nongovernmental units, recalled from the House of Representatives for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 848 (Committee Substitute No. 2), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority and to provide for the management of low-level radioactive waste in North Carolina, upon second reading.

Without objection, on motion of Senator Tally, the Committee Substitute bill No. 2 is placed at the end of today's Calendar for consideration.

S.B. 306 (Committee Substitute), a bill to clarify the law concerning local regulation of the placement of manufactured homes, upon second reading.

Without objection, the Chair orders the Committee Substitute bill placed at the end of today's Calendar for consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1262
(Senate Committee Substitute)

House of Representatives
August 12, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Com. Sub. for House B. No. 1262, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE CLEAN DETERGENT ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

S.B. 1395 (Committee Substitute), a bill to revise the administration of the Teachers' and State Employees' Comprehensive Major Medical Plan, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Plyler moves that the Senate do not concur in House Amendments No. 1 and No. 2 and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Plyler, Rand, and Royall as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 1171 (Committee Substitute), a bill to improve administration of the Sedimentation Pollution Control Act of 1973.

Pursuant to Rule 41(b), on motion of Senator Winner, the Committee Substitute bill is read and referred to the **Environment Committee**.

CALENDAR (Continued)

(The voting equipment is declared inoperative for a portion of today's Session.)

S.B. 944 (Conference Committee Substitute), a bill to increase the excise tax on spirituous liquor, and to provide that local sales taxes shall be levied by the county in which the retailer is located when the property sold is delivered to the purchaser in another county, Conference Report for adoption, upon third reading.

On motion of Senator Rauch, the Conference Report submitted Tuesday, August 11, is adopted upon third reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore,

Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Richardson, Sands, Seymour, Shaw, Soles, Speed, Staton, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--40.

Voting in the negative: Senators Cobb and Simpson--2.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 668 (House Committee Substitute), a bill to provide for effective measures to combat the operation of aircraft while impaired and to combat tampering with aircraft or airport facilities, for concurrence in the House Committee Substitute bill.

On motion of Senator Rand, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

The Chair declares the Senate in recess for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Environment Committee:**

H.B. 35 (Committee Substitute No. 2), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority, to provide for the management of low-level radioactive waste in North Carolina, and to amend the Southeast Interstate Low-Level Radioactive Waste Management Compact, with a favorable report, as amended.

On motion of Senator Winner, the rules are suspended, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Without objection, on motion of Senator Winner, courtesies of the floor are granted to Mr. George Givens of the General Research Staff for the purpose of assisting in the explanation of the Committee Substitute bill No. 2.

Without objection, the Committee Substitute bill No. 2 is temporarily displaced.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1515
(Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

Pursuant to your message, the House of Representatives returns Com. Sub. for House Bill 1515, "A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES FOR AID TO CERTAIN GOVERNMENTAL AND NONGOVERNMENTAL UNITS", for further consideration by your Honorable Body.

Respectfully,
S/Grace Collins
Principal Clerk

Senator Hipps moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Hipps moves that the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Hipps moves that the vote by which Amendment No. 5 was adopted be reconsidered, which motion prevails.

Without objection, Senator Hipps withdraws Amendment No. 5.

Senator Royall offers Amendment No. 8 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 3, and No. 8 by special messenger.

WITHDRAWAL FROM COMMITTEE

H.B. 1478, a bill to urge third-party payors of health benefits to cover diabetes outpatient self-treatment and to appropriate funds to the Department of Insurance to report on compliance.

Without objection, on motion of Senator Plyler, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 417, an act making technical and clarifying amendments to the revenue laws and to allow deductions of dividends from out-of-state holding companies having significant income attributable to North Carolina. (Ch. 804)

H.B. 507 (Committee Substitute No. 2), an act to clarify the law concerning local regulation of the placement of manufactured homes and to require taxation of manufactured homes as real property. (Ch. 805)

H.B. 1051, an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvement projects of the constituent institutions of the University of North Carolina. (Ch. 806)

S.B. 781 (House Committee Substitute), an act to provide that the cities and counties need not mail zoning notices for a total rezoning. (Ch. 807)

H.B. 109 (Committee Substitute), an act to establish the Business License Information Office. (Ch. 808)

H.B. 267 (Committee Substitute No. 2), an act to amend Chapter 126 to provide for permanent hourly employees in the Department of Transportation. (Ch. 809)

H.B. 639, an act to amend G.S. 7A-657 to allow waiver of periodic review hearings of custody orders. (Ch. 810)

H.B. 742, an act to regulate hunting and promote firearms safety in Wake County. (Ch. 811)

H.B. 834, an act to make certain Insurance Department employees eligible for death benefits while engaged in certain fire and rescue activities. (Ch. 812)

H.B. 1142 (Senate Committee Substitute), an act to make technical changes to the Revenue Laws and Machinery Act. (Ch. 813)

S.B. 685 (Committee Substitute), an act to reform the insurance premium tax laws. (Ch. 814)

S.B. 1402 (Committee Substitute), an act to create an excise tax on eggs for promotional purposes and to appropriate funds for the collection thereof. (Ch. 815)

H.B. 1717, an act requiring the Wildlife Resources Commission to report to the Joint Legislative Commission on Governmental Operations prior to making certain expenditures from the Wildlife Resources Fund. (Ch. 816)

H.B. 1262 (Senate Committee Substitute), an act to make technical and clarifying changes to the Clean Detergent Act. (Ch. 817)

S.B. 668 (House Committee Substitute), an act to provide for effective measures to combat the operation of aircraft while impaired and to combat tampering with aircraft or airport facilities. (Ch. 818)

CALENDAR (Continued)

H.B. 35 (Committee Substitute No. 2), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority, to provide for the management of low-level radioactive waste in North Carolina, and to amend the Southeast Interstate Low-Level Radioactive Waste Management Compact.

Committee Amendment No. 1 is placed before the Senate for consideration. Pursuant to Rule 28, Senator Harris calls for a division of Committee Amendment No. 1. The President orders Committee Amendment No. 1 divided into Parts (A) and (B).

On motion of Senator Tally, Committee Amendment No. 1, Part (A) is adopted (electronically recorded).

On motion of Senator Tally, Committee Amendment No. 1, Part (B) is adopted.

Senator Thomas offers Amendment No. 2.

Senator Winner, seconded by Senator Plyler, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

Senator Winner calls the previous question, seconded by Senator Hardison. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1208
(Senate Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SCS for HB No. 1208, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 50B BY CLARIFYING THE DEFINITION OF BODILY INJURY FOR CHILDREN IN DOMESTIC VIOLENCE CASES, BY ALLOWING THE FILING OF A MOTION IN CERTAIN EXISTING ACTIONS FOR DOMESTIC VIOLENCE RELIEF, AND BY REQUIRING NOTICE

OF HEARINGS FOR EMERGENCY RELIEF, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

CONFERENCE REPORT

H.B. 975 (Senate Committee Substitute)

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 975** (Senate Committee Substitute), a bill to improve the North Carolina Securities Act and the Business Corporation Act, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 975 (4th Edition 6/11/87), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE NORTH CAROLINA SECURITIES ACT AND THE BUSINESS CORPORATION ACT, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendment:

on page 2, lines 3-9, by deleting those lines and rewriting those lines to read:

"(b) In a civil or administrative proceeding brought under this Chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it. In a criminal proceeding brought under this Chapter, the State has no initial burden of producing evidence to show that the defendant's actions do not fall within the exemption or exception; however, once the defendant introduces evidence to show that his conduct is within the exemption or exception, the burden of persuading the trier of fact that the exemption or exception does not apply falls upon the State."

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/R. C. Soles, Jr.
S/Anthony E. Rand
S/Frank Block

Conferees on the part of the Senate

S/John Kerr
S/Hackney
S/George Miller

Conferees on the part of the House of Representatives

On motion of Senator Soles, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 944
(House Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on HCS for S.B. No. 944, A BILL

TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON SPIRITUOUS LIQUOR, AND TO PROVIDE THAT LOCAL SALES TAXES SHALL BE LEVIED BY THE COUNTY IN WHICH THE RETAILER IS LOCATED WHEN THE PROPERTY SOLD IS DELIVERED TO THE PURCHASER IN ANOTHER COUNTY, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

The Chair orders **S.B. 944** (Conference Committee Substitute), a bill to increase the excise tax on spirituous liquor, and to provide that local sales taxes shall be levied by the county in which the retailer is located when the property sold is delivered to the purchaser in another county, enrolled.

CONFERENCE REPORT

H.B. 1106 (Senate Committee Substitute)

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1106** (Senate Committee Substitute), a bill to provide that a judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1106 (Senate Committee Substitute Adopted 7/17/87), AN ACT TO PROVIDE THAT A JUDGMENT OF EQUITABLE DISTRIBUTION CAN BE ENTERED PRIOR OR SUBSEQUENT TO THE ENTRY OF A JUDGMENT OF ABSOLUTE DIVORCE, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendment: delete page 1, line 1, through page 2, line 20, of the Senate Committee Substitute and inserting in lieu thereof the following:

"A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CONSENT JUDGMENT OF EQUITABLE DISTRIBUTION CAN BE ENTERED PRIOR OR SUBSEQUENT TO THE ENTRY OF A JUDGMENT OF ABSOLUTE DIVORCE, AND TO PERMIT AN ACTION FOR EQUITABLE DISTRIBUTION TO BE INSTITUTED, DISCOVERY TO BE OBTAINED, AND TEMPORARY ORDERS RELATING TO EQUITABLE DISTRIBUTION TO BE ENTERED PRIOR TO THE ENTRY OF A JUDGMENT OF ABSOLUTE DIVORCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-21 is rewritten to read:

'§50-21. Procedures in actions for equitable distribution of property.--(a) At any time after a husband and wife begin to live separate and apart from each other, a claim for equitable distribution may be filed, either as a separate civil action, or together with any other action brought pursuant to Chapter 50 of the General Statutes, or as a motion in the cause as provided by G.S. 50-11(e) or (f). During the pendency of any such action for equitable distribution, discovery may proceed, and the court may enter temporary orders as appropriate and necessary for the purpose of preventing the disappearance, waste, or destruction of marital or separate property or to secure the possession thereof.

A judgment for an equitable distribution shall not be entered prior to entry of a decree of absolute divorce, except for a consent judgment, which may be entered at any time during the pendency of the action.

Real or personal property located outside North Carolina is subject to equitable distribution in accordance with the provisions of G.S. 50-20, and the court may include in its order appropriate provisions to ensure compliance with the order of equitable distribution.

(b) For purposes of equitable distribution, marital property shall be valued as of the date of the separation of the parties.

(c) Nothing in G.S. 50-20 or this section shall restrict or extend the right to trial by jury as provided by the Constitution of North Carolina.'

Sec. 2. G.S. 50-20(k) is rewritten to read:

'(k) The rights of the parties to an equitable distribution of marital property are a species of common ownership, the rights of the respective parties vesting at the time of the parties' separation.'

Sec. 3. G.S. 50-11(f) is rewritten to read:

'(f) An absolute divorce by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property shall not destroy the right of a spouse to an equitable distribution of marital property under G.S. 50-20 if an action or motion in the cause is filed within six months after the judgment of divorce is entered. The validity of such divorce may be attacked in the action for equitable distribution.'

Sec. 4. This act shall become effective October 1, 1987."

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 13th day of August, 1987.

S/Henson P. Barnes	S/Joe Hackney
S/Charles Hipps	S/Johnathan L. Rhyne
S/Helen R. Marvin	S/John Kerr
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Barnes, the Conference Report is adopted (electronically recorded), which changes the title to read, **H.B. 1106** (Senate Committee Substitute), a bill to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, and to permit an action for equitable distribution to be instituted, discovery to be obtained, and temporary orders relating to equitable distribution to be entered prior to the entry of a judgment of absolute divorce, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 848 (Committee Substitute No. 2), a bill to create the North Carolina Low-Level Radioactive Waste Management Authority and to provide for the management of low-level radioactive waste in North Carolina, upon second reading.

On motion of Senator Winner, the Committee Substitute bill No. 2 is recommitted to the **Environment Committee.**

The Chair declares the Senate in recess for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1395 (Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Com. Sub. to Senate B. No. 1395, A BILL TO BE ENTITLED AN ACT TO REVISE THE ADMINISTRATION OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, the Speaker has appointed as conferees on the part of the House, Representatives Watkins, Bob Etheridge, and Nesbitt to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

CALENDAR (Continued)

S.B. 306 (Committee Substitute), a bill to clarify the law concerning local regulation of the placement of manufactured homes, upon second reading.

On motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2164 (Committee Substitute), a bill to clarify the law regarding the inspection and examination of public records.

Pursuant to Rule 41(b), on motion of Senator Royall, the rules are suspended to allow the Committee Substitute bill read the first time.

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 1310 (Committee Substitute), a bill to appropriate funds to create a position to manage the Transportation Management Information System, for concurrence in House Amendment No. 1.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 1277 (Committee Substitute), a bill to appropriate funds for a central voter file system in the Office of the Secretary of State, for concurrence in House Amendment No. 1.

On motion of Senator Kaplan, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 484 (Committee Substitute), a bill to exempt coin-operated laundries from sales tax, for concurrence in the House Committee Substitute, which changes the title upon concurrence to read, **S.B. 484** (House Committee Substitute), a bill to exempt coin-operated laundries from sales tax and to amend the definition of sales price for purposes of determining sales tax due on items sold in vending machines.

Referred to **Finance Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary II Committee:**

S.B. 837, a bill affecting the discipline of funeral services providers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 837** (Committee Substitute), a bill providing for a study of funeral and burial trust funds, is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

RECALL FROM PRINCIPAL CLERK'S OFFICE

H.B. 1946 (Committee Substitute), a bill to abolish the Board of State Contract Appeals.

Without objection, the Chair orders the Committee Substitute bill recalled from the Office of the Principal Clerk.

Without objection, the rules are suspended, and the Committee Substitute bill is read the first time and referred to the **State Government Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 661 (House Committee Substitute), a bill to permit the garnishment of wages for certain debts owed to public hospitals, for concurrence in the House Committee Substitute bill which is placed on the Calendar for the next legislative day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 142 (Committee Substitute), a bill to increase the annual income tax exclusion for military retirement pay.

Referred to **Finance Committee.**

The Chair declares the Senate in recess for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 57 (Committee Substitute), an act to create the North Carolina Crime Victims Compensation Fund and to clarify the North Carolina Crime Victims Compensation Act. (Ch. 819)

H.B. 124 (Committee Substitute), an act to prohibit weapons in courthouses. (Ch. 820)

H.B. 545, an act to revise the purchase of creditable service in the Teachers' and State Employees' Retirement System for leaves of absence while in receipt of workers' compensation benefits. (Ch. 821)

H.B. 576, an act to recodify and amend Part 18, Article 3, of Chapter 143B of the General Statutes concerning the Sickle Cell Program. (Ch. 822)

H.B. 845, an act to authorize the Mecklenburg County Manager to negotiate an increased cost for contract extensions. (Ch. 823)

H.B. 852, an act to provide a contributory death benefit for retired members of the Teachers' and State Employees' Retirement System, the Legislative Retirement System, the Consolidated Judicial Retirement System, and the Local Governmental Employees' Retirement System. (Ch. 824)

H.B. 1018, an act to allow a retiring member of the Teachers' and State Employees' Retirement System to receive service credit for up to 12 days of unused accumulated sick leave per year of membership service. (Ch. 825)

H.B. 1022, an act to amend Chapter 58 relating to credit insurance. (Ch. 826)

H.B. 1136 (Senate Committee Substitute), an act making conforming and technical amendments to the General Statutes concerning Administrative Procedure. (Ch. 827)

H.B. 1208 (Senate Committee Substitute), an act to amend Chapter 50B by clarifying the definition of bodily injury for children in domestic violence cases, by allowing the filing of a motion in certain existing actions for domestic violence relief, and by requiring notice of hearings for emergency relief. (Ch. 828)

H.B. 1478, an act to urge third-party payors of health benefits to cover diabetes outpatient self-treatment and to appropriate funds to the Department of Insurance to report on compliance. (Ch. 829)

RULE SUSPENSION

Without objection, on motion of Senator Barnes, the rules are suspended to allow members of the **Judiciary I Committee** to meet during today's Session.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 162, a bill to provide that receipts from the tax on wine manufactured in North Carolina shall be used to promote the grape industry, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Royall, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

S.B. 494, a bill to ensure that the hearing- and speech-impaired have access to basic telephone service, for concurrence in House Amendment No. 1.

On motion of Senator Hunt of Moore, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Hunt of Moore, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 592, a bill to authorize area authorities to contract with health maintenance organizations, for concurrence in House Amendment No. 1.

On motion of Senator Walker, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Guy for the **State Government Committee**:

H.B. 1946 (Committee Substitute), a bill to abolish the Board of State Contract Appeals, with a favorable report.

On motion of Senator Guy, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

By Senator Rauch for the **Finance Committee**:

H.B. 1218 (Committee Substitute), a bill to permit the Department of Crime Control and Public Safety to contract to provide fire protection in the vicinity of Butner, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1745 (Committee Substitute), a bill to authorize the Pesticide Board to charge a fee of up to ten dollars to make the certification and recertification program self-funded out of receipts, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Chair rules the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 484 (House Committee Substitute), a bill to exempt coin-operated laundries from sales tax and to amend the definition of sales price for purposes of determining sales tax due on items sold in vending machines, with an unfavorable report, as to concurrence.

Without objection, on motion of Senator Royall, Rule 57.1 is suspended to allow consideration of the House Committee Substitute bill today.

On motion of Senator Rauch, the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Rauch moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Walker, Soles, Rauch, Royall, and Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

WITHDRAWAL FROM COMMITTEE

H.B. 10 (Senate Committee Substitute), a bill to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Department of Human Resources.

Without objection, on motion of Senator Plyler, the rules are suspended, and the Senate Committee Substitute bill is taken from the Appropriations Committee and is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 738 (Committee Substitute), a bill to create the North Carolina Housing Trust Fund and to authorize the expenditure of oil overcharge funds, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

H.B. 1106
(Senate Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S.C.S. for House B. No. 1106, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONSENT JUDGMENT OF EQUITABLE DISTRIBUTION CAN BE ENTERED PRIOR OR SUBSEQUENT TO THE ENTRY OF A JUDGMENT OF ABSOLUTE DIVORCE, AND TO PERMIT AN ACTION FOR EQUITABLE DISTRIBUTION TO BE ENTERED PRIOR TO THE ENTRY OF A JUDGMENT OF ABSOLUTE DIVORCE, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes for the Judiciary I Committee:

H.B. 279, a bill to make it unlawful to allow a minor to perform activities on business premises while nude, partially nude or attired in transparent clothing, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

On motion of Senator Barnes, the bill, as amended, is placed on the Calendar for tomorrow, for further consideration.

WITHDRAWAL FROM COMMITTEE

H.B. 841 (Committee Substitute), a bill to provide for the appointment of three additional members of the North Carolina Museum of Art.

Without objection, on motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

RECALL FROM PRINCIPAL CLERK'S OFFICE

H.B. 1032 (Committee Substitute), a bill to provide for the enforceable designation of handicapped parking signs.

Without objection, on motion of Senator Plyler, the Committee Substitute bill is recalled from the Office of the Principal Clerk.

Without objection, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 375
(House Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H.C.S. Senate B. No. 375, A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS AND THEIR PARENT CORPORATIONS TO BE RESPONSIBLE FOR COSTS AND LIABILITIES ARISING FROM THE OPERATION OF COMMERCIAL HAZARDOUS WASTE TREATMENT FACILITIES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

S.B. 491, a bill to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value of the gross estate, for concurrence in House Amendment No. 1.

On motion of Senator Rauch, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Melissa Brown, Raleigh; Chad Burns, Raleigh; Lea Dunn, Raleigh; Vickie Liles, Raleigh; Kimberly Long, Raleigh; Jennifer Matheson, Raleigh; Nicole McLamb, Benson; Leslie Powell, Raleigh; Meredith Pruitt, Raleigh; Craven Rand, Fayetteville; Chandra Tudor, Raleigh; and Grey Williams, Raleigh.

On motion of Senator Harrington, seconded by Senator Thomas, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED THIRTY-FIFTH DAY

SENATE CHAMBER,
Friday, August 14, 1987.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable A. D. Guy, Senator from Onslow County.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Conder, who is a program participant in the Annual Meeting of the Southern Conference of the Council of State Governments, meeting in Little Rock, Arkansas, and to Senators Hunt of Durham and Staton.

SUSPENSION OF RULES

Without objection, on motion of Senator Guy, the rules are suspended to allow Senate and House conferees to meet during today's Session.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 142 (Committee Substitute), a bill to increase the annual income tax exclusion for federal civil service and military retirement pay and to establish a graduated exclusion for this pay, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H.B. 142** (Senate Committee Substitute), a bill to increase the annual income tax exclusion for federal civil service and military retirement pay, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill is adopted.

On motion of Senator Rauch, the Senate Committee Substitute bill is placed on the Calendar for today, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 975

House of Representatives
August 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H.B. No. 975, A BILL TO BE

ENTITLED AN ACT TO IMPROVE THE NORTH CAROLINA SECURITIES ACT AND THE BUSINESS CORPORATION ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

S.B. 484
(House Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB No. 484, A BILL TO BE ENTITLED AN ACT TO EXEMPT COIN-OPERATED LAUNDRIES FROM SALES TAX AND TO AMEND THE DEFINITION OF SALES PRICE FOR PURPOSES OF DETERMINING SALES TAX DUE ON ITEMS SOLD IN VENDING MACHINES, the Speaker has appointed as conferees on the part of the House, Representatives Miller, Alexander, Bumgardner, Lilley, and Beall to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 1187
(Senate Committee Substitute)

House of Representatives
August 13, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate C.S. to House B. No. 1187, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE 1987 SESSION LAWS, and requests conferees. The Speaker has appointed Representatives Hackney, Barnes, and Wiser on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace Collins
Principal Clerk

Senator Hipps moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Barnes, and Hipps as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORTS

S.B. 484 (House Committee Substitute)

Senator Walker for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 484** (House Committee Substitute), a bill to exempt coin-operated laundries from sales tax and to amend the definition of sales price for purposes of determining sales tax due on items sold in vending machines, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for Senate Bill

484 (Favorable 8/12/87), A BILL TO BE ENTITLED AN ACT TO EXEMPT COIN-OPERATED LAUNDRIES FROM SALES TAX AND TO AMEND THE DEFINITION OF SALES PRICE FOR PURPOSES OF DETERMINING SALES TAX DUE ON ITEMS SOLD IN VENDING MACHINES, wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendment:

on page 2, lines 23 and 24, by rewriting those lines to read:

"Sec. 4. Sections 2 and 3 of this act shall become effective July 1, 1989, and apply to sales made on or after that date. The remainder of this act shall become effective July 1, 1988, and applies to services rendered and sales made on or after that date."

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of '87.

S/Russell Walker	S/George W. Miller, Jr.
S/Marshall A. Rauch	S/Bill Alexander
S/Kenneth C. Royall	S/Charles M. Beall
S/R. C. Soles, Jr.	S/David W. Bumgardner
	S/Daniel T. Lilley
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Walker, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1395 (Committee Substitute)

Senator Plyler for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1395** (Committee Substitute), a bill to revise the administration of the Teachers' and State Employees' Comprehensive Major Medical Plan, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Comm. Sub. for Senate Bill 1395, A BILL TO BE ENTITLED AN ACT TO REVISE THE ADMINISTRATION OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, wish to report as follows: The House recedes from its amendments #1 and #2 and in lieu thereof the House and Senate amend the bill as follows:

on page 18 line 24 add the following between lines 24 and 25:

"Sec. 25.1. (a) The Executive Administrator and Board of Trustees of the Teacher's and State Employees' Comprehensive Major Medical Plan are directed to conduct a detailed study on the further inclusion of organ transplants for coverage by the Plan and report their findings and recommendations to the Legislative Committee on Employee Hospital and Medical Benefits upon the convening of the 1989 Session of the General Assembly.

(b) North Carolina Memorial Hospital and the University of North Carolina at Chapel Hill's School of Medicine may use any medical research and treatment funds available to them to cover the cost of heart transplants for employees, retired employees, and their dependents covered by the Teachers' and State Employees' Comprehensive Major Medical Plan on and after January 1, 1987. The Hospital and

School of Medicine shall provide to the Plan any diagnostic and treatment information on such transplants as is deemed appropriate by the Plan, the Hospital, and the School of Medicine.

(c) This section is effective upon ratification.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of August, 1987.

S/Aaron W. Plyler	S/William T. Watkins
S/Tony Rand	S/Bob Etheridge
S/Kenneth C. Royall, Jr.	S/Martin Nesbitt
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Plyler, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1515 (Committee Substitute), an act to appropriate funds to State departments, institutions, and agencies for aid to certain governmental and nongovernmental units. (Ch. 830)

S.B. 563, an act to amend the community work experience program to change limitations on time spent at a worksite. (Ch. 831)

S.B. 944 (Conference Committee Substitute), an act to increase the excise tax on spirituous liquor, and to provide that local sales taxes shall be levied by the county in which the retailer is located when the property sold is delivered to the purchaser in another county. (Ch. 832)

S.B. 1277 (Committee Substitute), an act to appropriate funds for a central voter file system in the Office of the Secretary of State. (Ch. 833)

S.B. 1310 (Committee Substitute), an act to appropriate funds to create a position to manage the Transportation Management Information System. (Ch. 834)

H.B. 2164 (Committee Substitute), an act to clarify the law regarding the inspection and examination of public records. (Ch. 835)

S.B. 162, an act to provide that receipts from the tax on wine manufactured in North Carolina shall be used to promote the grape industry. (Ch. 836)

S.B. 491, an act to limit the costs to be assessed for the support of the General Court of Justice in the administration of estates to three thousand dollars, regardless of the value of the gross estate. (Ch. 837)

S.B. 494, an act to ensure that the hearing- and speech-impaired have access to basic telephone service. (Ch. 838)

S.B. 592, an act to authorize area authorities to contract with health maintenance organizations. (Ch. 839)

S.B. 604 (Committee Substitute), an act to provide for licensing of cotton warehouses. (Ch. 840)

S.B. 738 (Committee Substitute), an act to create the North Carolina Housing Trust Fund and to authorize the expenditure of oil overcharge funds. (Ch. 841)

H.B. 841 (Committee Substitute), an act to provide for the appointment of three additional members of the North Carolina Museum of Art. (Ch. 842)

H.B. 1032 (Committee Substitute), an act to provide for the enforceable designation of handicapped parking signs. (Ch. 843)

H.B. 1106 (Senate Committee Substitute), an act to provide that a consent judgment of equitable distribution can be entered prior or subsequent to the entry of a judgment of absolute divorce, and to permit an action for equitable distribution to be instituted, discovery to be obtained, and temporary orders relating to equitable distribution to be entered prior to the entry of a judgment of absolute divorce. (Ch. 844)

H.B. 1218 (Committee Substitute), an act to permit the Department of Crime Control and Public Safety to contract to provide fire protection in the vicinity of Butner. (Ch. 845)

H.B. 1745 (Committee Substitute), an act to authorize the Pesticide Board to charge a fee of up to ten dollars to make the certification and recertification program self-funded out of receipts. (Ch. 846)

H.B. 1946 (Committee Substitute), an act to abolish the Board of State Contract Appeals. (Ch. 847)

S.B. 375 (House Committee Substitute), an act to require operators and their parent corporations to be responsible for costs and liabilities arising from the operation of commercial hazardous waste treatment facilities. (Ch. 848)

H.B. 975 (Senate Committee Substitute), an act to improve the North Carolina Securities Act and the Business Corporation Act. (Ch. 849)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 142 (Senate Committee Substitute), a bill to increase the annual income tax exclusion for federal civil service and military retirement pay.

Without objection, Senator Cobb is excused from voting for the stated reason: "Qualified for military retirement pay."

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

CONFERENCE REPORT

H.B. 432 (Senate Committee Substitute No. 2)

Senator Winner, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 432** (Senate Committee Substitute No. 2), a bill to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly, the Senate, or the House of Representatives, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute #2 for House Bill

432 (5th Edition), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO CONDUCT BACKGROUND INVESTIGATIONS ON PERSONS TO BE CONFIRMED BY THE GENERAL ASSEMBLY, THE SENATE, OR THE HOUSE OF REPRESENTATIVES, wish to report as follows: The House concurs in Senate Committee Substitute #2 with the following amendments:

(1) on page 2, line 15, by deleting the letter "(a)"; and

(2) on page 2, lines 16 through 19, by rewriting those lines to read:

"President of the Senate or the Speaker of the House may request that the State Bureau of Investigation perform a"; and

(3) on page 2, line 24, by deleting the words "the chairman of the committee or"; and

(4) on page 2, line 25, by deleting the words "chairman or"; and

(5) on page 2, line 29, by deleting the words "the committee, if requested by a committee, or"; and

(6) on page 2, line 34, and on page 4, line 26, by inserting between the word "record" and the period in both places the following language:

", and to a requirement that the person provide the information contained in the statements of economic interest required to be filed by persons subject to Executive Order Number 1, filed on January 31, 1985, as contained on pages 1405 through 1419 of the 1985 Session Laws (First Session 1985).'"; and

(7) on page 3, lines 1 through 31, by deleting those lines, and renumbering the next section as Section 3; and

(8) on page 5, line 10 by deleting that line and substituting:

"Sec. 4. Chapter 147 of the General Statutes is amended by adding a new section to read:

'§ 147-16.3. Timely nominations if legislative body must confirm.--Notwithstanding any other provision of law, whenever:

(1) a statute specifies that an office shall be filled by nomination by the Governor and confirmation by the General Assembly or by one house thereof, and

(2) the statute specifies that the nominee shall take office without legislative action if the General Assembly adjourns without action being taken or fails to take action within a specified time, and

(3) the Governor failed to nominate a person for the office by May 15 of a regular session of the General Assembly during an odd-numbered year or by June 7 of a regular session of the General Assembly during an even-numbered year, and

(4) the appropriate legislative body does not act on the nomination before it next adjourns for more than 10 days or *sine die*,

the nominee shall serve only on an interim basis until 60 days after the convening of the next regular session of the General Assembly, subject to rejection or approval by the appropriate legislative body before that time.'

Sec. 5. This act is effective upon ratification."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

August 14, 1987

This the day of

S/Dennis J. Winner	S/Dennis A. Wicker
S/Ted Kaplan	S/Robert C. Hunter
S/Anthony E. Rand	S/R. Samuel Hunt III
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Winner, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 408 (Committee Substitute), a bill to designate some State Vegetables, Herbs, and Fruits and their related festivals.

Referred to **State Government Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 217 (Committee Substitute No. 2), a bill to promote economic development by authorizing tax credits for certain business investments and by authorizing the creation of North Carolina Capital Resource Corporations, for concurrence in House Amendment No. 1.

On motion of Senator Walker, the rules are suspended, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 240 (Committee Substitute), a bill to require reasonable notice of a medical malpractice claim and to provide close court supervision over the disposition of medical malpractice actions, for concurrence in the House Committee Substitute bill changing the title upon concurrence to read, **S.B. 240** (House Committee Substitute), a bill to address the medical malpractice insurance problem by changes in court procedure, medical board powers, and peer review.

On motion of Senator Taft, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Taft, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

H.B. 1237 (Committee Substitute No. 3), a bill to regulate investment advisers.

Pursuant to Rule 41(b), the Chair orders the Committee Substitute bill held as received in the Office of the Principal Clerk.

H.B. 406 (Committee Substitute No. 2), a bill to amend the seed law and to appropriate funds to improve the seed testing program of the Department of Agriculture.

Referred to **Finance Committee.**

H.B. 1158	House of Representatives
(Senate Committee Substitute)	August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. Com. Sub. for HB No.

1158, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE RATE DISCOUNTS FOR PERSONS WHO ARE 55 YEARS OF AGE OR OLDER; TO FACILITATE RECOVERY OF LOSSES OF THE MOTOR VEHICLE REINSURANCE FACILITY; TO REVISE AND IMPROVE THE SUBCLASSIFICATION PLAN FOR NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE; AND TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY UPON APPLICATIONS FOR DRIVERS' LICENSES AND LIMITED DRIVING PRIVILEGES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 785
(Senate Committee Substitute)

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate C.S. for HB No. 785, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAW AND TO ASSIST INSUREDS IN REPLACING COVERAGE FROM INSOLVENT INSURANCE COMPANIES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

S.B. 484
(House Committee Substitute)

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S. S.B. No. 484, A BILL TO BE ENTITLED AN ACT TO EXEMPT COIN-OPERATED LAUNDRIES FROM SALES TAX AND TO AMEND THE DEFINITION OF SALES PRICE FOR PURPOSES OF DETERMINING SALES TAX DUE ON ITEMS SOLD IN VENDING MACHINES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

S.B. 293, a bill to revise the legal banking holidays, for concurrence in the House Committee Substitute bill changing the title upon concurrence to read, **S.B. 293** (House Committee Substitute), a bill to revise the legal banking holidays and to make technical amendments to the interest laws.

On motion of Senator Goldston, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Goldston, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 401 (House Committee Substitute), a bill to authorize the Department of Transportation to participate in engineering and construction contracts with private developers for proposed state highways, for concurrence in the House Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Goldston, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

CONFERENCE REPORT

H.B. 785 (Senate Committee Substitute)

Senator Parnell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 785** (Senate Committee Substitute), a bill to make technical corrections to the insurance law and to assist insureds in replacing coverage from insolvent insurance companies, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAW AND TO ASSIST INSUREDS IN REPLACING COVERAGE FROM INSOLVENT INSURANCE COMPANIES, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

on page 22, lines 18 through 21, rewrite those lines to read:

"Sec. 90. (a) G.S. 95-111.3 is amended by adding a new subsection to read:

'(h) The term 'waterslide' shall mean a stationary amusement device that provides a descending ride on a flowing water film through a trough or tube or on an incline plane into a pool of water. This term does not include devices where the vertical distance between the highest and the lowest points does not exceed 15 feet.'

(b) G.S. 95-111.12 is amended by adding one new subsection to read:

(d) Operators of waterslides, as defined in G.S. 95-111.3(h), shall notify the Commissioner of all incidences of personal injury involving the waterslides, as required by G.S. 95-111.10(a).'

(c) The Commissioner shall compile the notifications of the incidences of personal injuries involving waterslides and report on their frequency and type to the General Assembly on or before May 15, 1989."

on page 22, lines 22 through 25 rewrite those lines to read:

"Sec. 91. (a) G.S. 95-111.12(a), as amended by Chapter 635 of the 1987 Session Laws, is amended by deleting 'three hundred thousand dollars ($300,000)' and substituting 'one hundred thousand dollars ($100,000)'.

(b) Subsection (a) of this section shall expire on December 31, 1989."

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

August 14, 1987

This the 14th day of 1987.

S/David R. Parnell	S/Harry E. Payne
S/Joe Johnson	S/David Redwine
S/R. C. Soles	S/Martin Nesbitt
S/Paul S. Smith	S/Alex Warner
S/Mary P. Seymour	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Parnell, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1395 House of Representatives
(House Committee Substitute) August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House C.S. Senate B. No. 1395, A BILL TO BE ENTITLED AN ACT TO REVISE THE ADMINISTRATION OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

The Chair declares the Senate in recess for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

H.J.R. 2165, a joint resolution setting the time for adjournment of the 1987 General Assembly to reconvene in 1988, and limiting the subjects that may be considered in that Session, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 911 (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill, with amendment.

On motion of Senator Harrington, the rules are suspended and the Senate Committee Substitute bill, with amendment, is placed before the Senate for immediate consideration, and on his further motion, the Senate Committee Substitute bill, with Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without engrossment of Amendment No. 1, by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 432
(Senate Committee Substitute No. 2)

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate C.S. #2 House Bill No. 432, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO CONDUCT BACKGROUND INVESTIGATIONS ON PERSONS TO BE CONFIRMED BY THE GENERAL ASSEMBLY, THE SENATE, OR THE HOUSE OF REPRESENTATIVES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

H.B. 142
(Senate Committee Substitute)

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate C.S. to House B. No. 142, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ANNUAL INCOME TAX EXCLUSION FOR FEDERAL CIVIL SERVICE AND MILITARY RETIREMENT PAY, and requests conferees. The Speaker has appointed Representatives Jeralds, Miller, Tyndall, McAllister, and Judy Hunt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Guy moves that the President appoint conferees, which motion prevails. The President appoints Senators Guy, Hardison, and Swain as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

H.B. 10 (Senate Committee Substitute), a bill to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Department of Human Resources.

Senator Barnes offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading on August 13, be reconsidered.

The Chair rescinds the order sending the Senate Committee Substitute bill to the House of Representatives for concurrence by special messenger.

The motion offered by Senator Barnes prevails and the question reverts to the passage of the Senate Committee Substitute bill upon third reading.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without engrossment of Amendment No. 1, by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1185 (Committee Substitute), a bill to transfer the Buncombe County Community Penalties Program from the Department of Crime Control and Public Safety to the Administrative Office of the Courts, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

H.B. 1049, a bill to permit the use of funds previously allocated from the reserve for repairs and renovations for an addition to the R. L. Vaughan Center at Elizabeth City State University.

On motion of Senator Plyler, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

S.B. 1356 (Committee Substitute), a bill to clarify the responsibilities of the Departments of Human Resources and Public Education for the Adolescent Substance Abuse Program, for concurrence in House Amendment No. 1.

On motion of Senator Ward, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Ward, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

CALENDAR (Continued)

H.B. 279, a bill to make it unlawful to allow a minor to perform activities on business premises while nude, partially nude or attired in transparent clothing, as amended.

Senator Winner offers a motion that the bill, as amended, be re-referred to the **Judiciary III Committee.**

Senator Barnes calls the previous question, which motion fails for lack of a second.

After further debate, Senator Tally calls the previous question, seconded by Senator Marvin. The call is sustained.

The motion offered by Senator Winner to re-refer the bill, as amended, to the **Judiciary III Committee** prevails (electronically recorded).

Senator Warren requests to change his vote from "aye" to "no." Having announced the vote, the Chair denies the request stating the changing of his vote alters the results of the motion.

Senator Warren subsequently offers a motion that the vote by which the motion to re-refer the bill, as amended, to the **Judiciary III Committee** prevailed be reconsidered, which motion prevails (electronically recorded).

The question reverts to the motion offered by Senator Winner to re-refer the bill, as amended, to the **Judiciary III Committee**.

Senator Barnes, seconded by Senator Warren, calls the previous question. The call is sustained.

The motion offered by Senator Winner to re-refer the bill, as amended, to the **Judiciary III Committee** fails to prevail (electronically recorded).

Senator Barnes, seconded by Senator Warren, calls the previous question on the passage of the bill, as amended, on its second reading.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for the next legislative day, upon third reading.

REMARKS BY THE LIEUTENANT GOVERNOR

On motion of Senator Harrington, the rules are suspended to allow the Honorable Robert B. Jordan III, Lieutenant Governor and President of the Senate to address the membership from the dais. (See Appendix)

RECONSIDERATION

H.J.R. 2165, a joint resolution setting the time for adjournment of the 1987 General Assembly to reconvene in 1988, and limiting the subjects that may be considered in that Session.

Senator Harrington offers a motion that the vote by which the joint resolution, as amended, passed its third reading be reconsidered.

The Chair rescinds the order to send the joint resolution, as amended, to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

The motion offered by Senator Harrington prevails and the question reverts to the passage of the joint resolution, as amended, upon third reading.

Senator Harrington offers a motion that the vote by which the joint resolution passed its second reading be reconsidered, which motion prevails, and the question reverts to the passage of the joint resolution, as amended, upon second reading.

Senator Harrington offers a motion the the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question reverts to the adoption of Amendment No. 1.

Without objection, Senator Harrington is allowed to correct Amendment No. 1 to reflect the hour of 2:00 P.M. Amendment No. 1, as corrected, is adopted (electronically recorded).

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

CONFERENCE REPORTS

H.B. 1187 (Senate Committee Substitute)

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1187** (Senate Committee Substitute), a bill to make technical corrections in the 1987 Session Laws, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1187 (SCS adopted 8/6/87), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE 1987 SESSION LAWS, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

on page 1, lines 1 through 3 by rewriting those lines to read:
"A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE 1987 SESSION LAWS AND TO CLARIFY WHEN AN AGGRIEVED PERSON MAY COMMENCE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT."; and

on page 3, between lines 2 and 3 inserting the following new sections to read:

"Sec. 6.1. G.S. 150B-23(a) is amended by adding a new sentence at the end of the first paragraph of that subsection as follows: 'Any person aggrieved may commence a contested case hereunder.'

Sec. 6.2. Chapter 430 of the 1987 Session Laws is amended by rewriting Section 16 to read: 'Sec. 16. Section 1-14 of this act shall become effective January 1, 1988 and Section 15 of this act is effective upon ratification and shall expire on July 1, 1989.'"

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/R. C. Soles, Jr.
S/Henson P. Barnes
S/Charles Hipps

Conferees on the part of the Senate

S/Joe Hackney
S/Anne C. Barnes
S/Betty H. Wiser

Conferees on the part of the House of Representatives

On motion of Senator Barnes, the Conference Report is adopted (electronically recorded), changing the title to read, **H.B. 1187** (Senate Committee Substitute), a bill to make technical corrections in the 1987 Session Laws and to clarify when an aggrieved person may commence a contested case under the Administrative Procedures Act, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1158 (Senate Committee Substitute)

Senator Parnell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1158** (Senate Committee Substitute), a bill to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Committee Substitute for House Bill 1158, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AUTOMOBILE RATE DISCOUNTS FOR PERSONS WHO ARE 55 YEARS OF AGE OR OLDER; TO FACILITATE RECOVERY OF LOSSES OF THE MOTOR VEHICLE REINSURANCE FACILITY; TO REVISE AND IMPROVE THE SUBCLASSIFICATION PLAN FOR NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE; AND TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY UPON APPLICATIONS FOR DRIVERS' LICENSES AND LIMITED DRIVING PRIVILEGES, wish to report as follows: The House concurs in the

Senate Committee Substitute for House Committee Substitute for House Bill 1158 as amended by the Senate with the following amendments:

(1) Delete Senate Amendments 1, 4, 5, and 8;

(2) By amending the bill on page 6, line 9, by adding the following language at the end of that line:

", except for a prayer for judgment continued for any moving traffic violation,";

(3) By amending the bill on page 6, line 11 by inserting the following language immediately before the words, "For the purpose":

"The subclassification plan shall also provide that with respect to a prayer for judgment continued for any moving traffic violation, there shall be no premium surcharge nor any assessment of points unless the vehicle owner, principal operator, or any licensed operator in the owner's household has a driving record consisting of a prayer or prayers for judgment continued for any moving traffic violation or violations during the three years immediately preceding the date of application or the preparation of the renewal. For the purpose of this subsection, a 'prayer for judgment continued' means a determination of guilt by a jury or a court though no sentence has been imposed."; and

(4) By amending the bill on page 11, line 3, by substituting "February" for "January".

And the Senate concurs in these amendments.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of August

S/David R. Parnell	S/Gerald L. Anderson
S/Mary P. Seymour	S/R. Samuel Hunt III
S/Joe Johnson	S/Martin Nesbitt
S/Paul S. Smith	S/Charles M. Beall
S/William W. Staton	S/Ed N. Warren
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Parnell, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Senator Martin of Guilford offers a motion that the remarks of Senator Parnell in explaining the Conference Report, be spread upon the Journal, which motion prevails.

The remarks of Senator Parnell are as follows:

"Mr. President and Members of the Senate,

"Let me just say in the explanation, first of all, the House accepted the Senate Amendments No. 2, 3, 6, and 7 which were mostly technical amendments in nature.

"The Senate conceded on Amendments No. 4, 5, and the part of Amendment No. 8 dealing with the increase in the allowable speed to 70 miles per hour before being charged recoupment surcharges.

"Amendment No. 1 as offered by Senator Johnson was accepted by the House with the modification that only one prayer for judgment in a three-year period would be exempted from recoupment surcharges.

"Basically, that is what the bill does and I hope that you will accept it. I understand and know that some of the attorneys in here raised some questions about the language. We have looked that up and we have determined that the language used in here is lifted right out of the Statutes now from 58-30.5(6) and so it is language that is presently in use in the Statutes and we feel that it will do what we intend for it to do. So

basically the change that's in here that is accepted is the one PJC in a three-year period.

"I'll be glad to try to answer any questions and I hope that you will support the Conference Report."

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2 (Committee Substitute), a bill to make miscellaneous changes to the State budget for the 1987-89 fiscal biennium.

Without objection, on motion of Senator Plyler, courtesies of the floor are extended to the Fiscal Research Staff for the purpose of assisting in the explanation of **H.B. 2** (Committee Substitute) and **H.B. 1** (Committee Substitute).

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Block rises to a point of order as to House Amendment No. 8 being eligible for consideration by the Senate pursuant to Rule 42.4. The Chair sustains the point of order.

Senator Block offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection, the Committee Substitute bill, as amended, remains before the Senate for further consideration upon third reading.

Senator Warren offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

S.B. 643 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, for concurrence in the House Committee Substitute bill.

On motion of Senator Harrington, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

S.B. 749 (Committee Substitute), a bill to establish a Recreation and Natural Heritage Trust Program, for concurrence in House Amendment No. 1.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

S.B. 1241 (Committee Substitute), a bill to modify the carry-forward and other provisions of the distillery tax credit, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

CALENDAR (Continued)

S.B. 661 (House Committee Substitute), a bill to permit the garnishment of wages for certain debts owed to public hospitals, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Johnson of Wake, the Senate concurs in the House Committee Substitute bill, upon second reading, by roll-call vote, ayes 31, noes 2, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Cobb, Daniel, Goldston, Guy, Harrington, Hipps, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Parnell, Plyler, Rand, Richardson, Sands, Seymour, Shaw, Sherron, Speed, Swain, Taft, Tally, Thomas, Walker, Ward, Warren, and Winner--31.

Voting in the negative: Senators Johnson of Cabarrus and Soles--2.

The House Committee Substitute bill remains on the Calendar for the next legislative day, for further consideration upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

WITHDRAWALS FROM COMMITTEE

H.B. 897 (Committee Substitute), a bill to allow the Department of Crime Control and Public Safety to control and manage Butner Public Safety vehicles the same as it does Highway Patrol vehicles.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H.B. 1066, a bill to facilitate construction of ranger's residences.

On motion of Senator Plyler, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

The Chair declares the Senate in recess.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 674, a bill to change the allocation of Appellate Division reports to the Department of Community Colleges.

On motion of Senator Plyler, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

Senator Block offers Amendment No. 1, changing the title to read, **H.B. 674,** a bill concerning government publications, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

CONFERENCE REPORT

H.B. 978 (Senate Committee Substitute)

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 978** (Senate Committee Substitute), a bill to modify judicial review of administrative decisions, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Bill 978 (4th Edition), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MORE UNIFORM SYSTEM OF RESOLVING ADMINISTRATIVE DISPUTES AND TO MODIFY JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendment: delete the entire Senate Committee Substitute and substitute the attached proposed conference committee substitute 87S-H978PCCS-RO, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MORE UNIFORM SYSTEM OF RESOLVING ADMINISTRATIVE DISPUTES AND TO MODIFY JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of August, .

S/R. C. Soles, Jr.
S/Charles W. Hipps
S/Anthony E. Rand
S/Henson P. Barnes

Conferees on the part of the Senate

S/H. M. Michaux, Jr.
S/William T. Watkins
S/Joe Hackney

Conferees on the part of the House of Representatives

On motion of Senator Barnes, the Conference Report is adopted (electronically recorded), which changes the title to read, **H.B. 978** (Conference Committee Substitute), a bill to establish a more uniform system of resolving administrative disputes and to modify judicial review of administrative decisions, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The text of the attached Proposed Conference Committee Substitute is as follows:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A MORE UNIFORM SYSTEM OF RESOLVING ADMINISTRATIVE DISPUTES AND TO MODIFY JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 150B-2 is amended as follows:

(1) by rewriting subdivision (2b) to read:

"(2b) 'Hearing officer' means a person or group of persons designated by an agency that is subject to Article 3A of this Chapter to preside in a contested case hearing conducted under that Article."; and

(2) by adding the following definition in the appropriate alphabetical order:

"(01) 'Administrative law judge' means a person appointed under G.S. 7A-752, 7A-753, or 7A-757."

Sec. 2. G.S. 150B-2(5) is amended by changing the semicolon following the word "appropriate" to a period and rewriting the remainder of that subdivision to read:

"This subdivision does not permit an agency that makes a final decision, or an officer or employee of the agency, to petition for initial judicial review of that decision."

Sec. 3. G.S. 150B-23(a) is amended as follows:

(1) by rewriting the first sentence of that subsection to read:

"A contested case shall be commenced by filing a petition with the Office of Administrative Hearings and, except as provided in Article 3A of this Chapter, shall be conducted by that Office.";

(2) by deleting the second paragraph of that subsection; and

(3) by adding a new sentence at the end of the first paragraph of that subsection as follows:

"Any person aggrieved may commence a contested case hereunder."

Sec. 4. G.S. 150B-23(b) is amended by deleting the words "or the agency".

Sec. 5. G.S. 150B-23(d), 150B-33, 150B-34(b), and 150B-44 are each amended by deleting the words "hearing officer" each place they appear, including the catchline, and substituting the words "administrative law judge".

Sec. 6. G.S. 150B-24(a)(3), 150B-25(a), 150B-27, and 150B-31(a) are each amended by deleting the words "agency or hearing officer" and substituting the words "administrative law judge".

Sec. 7. G.S. 150B-29(a) is amended in the last sentence by deleting the words "agency or hearing officer in reaching his decision" and substituting the phrase "administrative law judge in making a recommended decision, by the agency in making a final decision".

Sec. 8. G.S. 150B-32 is amended as follows:

(1) by rewriting the catchline to read: "**Designation of administrative law judge.**";

(2) by rewriting subsection (a) to read:

"(a) The Director of the Office of Administrative Hearings shall assign himself or another administrative law judge to preside over a contested case.";

(3) by deleting the phrase "a hearing officer, the hearing officer" in subsection (b) and substituting the phrase "an administrative law judge, the administrative law judge";

(4) by deleting the words "a hearing officer" in subsection (c) and substituting the words "an administrative law judge"; and

(5) by deleting the words "another hearing officer shall be assigned" in subsection (c) and substituting the words "the Director shall assign another administrative law judge".

Sec. 9. G.S. 150B-33(a) and (b) are each amended by deleting the words "A hearing officer" and substituting the words "An administrative law judge".

Sec. 10. G.S. 150B-33(b)(2) is amended by deleting the phrase "agency or the Office of Administrative Hearings, as applicable" and substituting the phrase "Office of Administrative Hearings".

Sec. 11. G.S. 150B-35 is amended by deleting the phrase "a member or employee of an agency assigned to make a decision or to make findings of fact and conclusions of law in a contested case or a hearing officer shall not" and substituting the phrase "neither the administrative law judge assigned to a contested case nor a member or employee of the agency making a final decision in the case may".

Sec. 12. G.S. 150B-36 is amended by rewriting the second sentence of that section to read:

"If the agency does not adopt the administrative law judge's recommended decision as its final decision, the agency shall state in its decision or order the specific reasons why it did not adopt the administrative law judge's recommended decision."

Sec. 13. G.S. 150B-37(a)(5) and (6) are each amended by deleting the words "hearing officer's" and substituting the words "administrative law judge's".

Sec. 14. G.S. 7A-757 is amended by deleting the words "hearing officers" and "hearing officer" each place they appear and substituting the words "administrative law judges" and "administrative law judge" respectively.

Sec. 15. G.S. 7A-758 is amended by deleting the words "hearing officer" and "a hearing officer" each place they appear, including the catchline, and substituting the words "administrative law judge" and "an administrative law judge" respectively.

Sec. 16. G.S. 150B-45 is rewritten to read:

"**§ 150B-45. Procedure for seeking review; waiver.**--To obtain judicial review of a final decision under this Article, the person seeking review must file a petition in the Superior Court of Wake County or in the superior court of the county where the person resides.

The person seeking review must file the petition within 30 days after the person is served with a written copy of the decision. A person who fails to file a petition within the required time waives the right to judicial review under this Article. For good cause shown, however, the superior court may accept an untimely petition."

Sec. 17. G.S. 150B-49 is rewritten to read:

"**§ 150B-49. New evidence.**--An aggrieved person who files a petition in the superior court may apply to the court to present additional evidence. If the court is satisfied that the evidence is material to the issues, is not merely cumulative, and could not reasonably have been presented at the administrative hearing, the court may remand the case so that additional evidence can be taken. If an administrative law judge did not make a recommended decision in the case, the court shall remand the case to the agency that conducted the administrative hearing. After hearing the evidence, the agency may affirm or modify its previous findings of fact and final decision. If an administrative law judge made a recommended decision in the case, the court shall remand the case to the administrative law judge. After hearing the evidence, the administrative law judge may affirm or modify his previous findings of fact and recommended decision. The administrative law judge shall forward a copy of his decision to the agency that made the final decision, which in turn may affirm or modify its previous findings of fact and final decision. The additional evidence and any affirmation or modification of a recommended decision or final decision shall be made part of the official record."

Sec. 18. G.S. 150B-50 is amended by inserting the word "superior" before the word "court" in the catchline of the section and by inserting between the words "review" and "of" the words "by a superior court".

Sec. 19. G.S. 150B-51 is rewritten to read:

"**§ 150B-51. Scope of review.**--(a) Initial Determination in Certain Cases. In reviewing a final decision in a contested case in which an administrative law judge made a recommended decision, the court shall make two initial determinations. First, the court shall determine whether the agency heard new evidence after receiving the recommended decision. If the court determines that the agency heard new evidence, the court shall reverse the decision or remand the case to the agency to enter a decision in accordance with the evidence in the official record. Second, if the agency did not adopt the recommended decision, the court shall determine whether the agency's decision states the specific reasons why the agency did not adopt the recommended decision. If the court determines that the agency did not state specific reasons why it did not adopt a recommended decision, the court shall reverse the decision or remand the case to the agency to enter the specific reasons.

(b) Standard of Review. After making the determinations, if any, required by subsection (a), the court reviewing a final decision may affirm the decision of the agency or remand the case for further proceedings. It may also reverse or modify the agency's decision if the substantial rights of the petitioners may have been prejudiced because the agency's findings, inferences, conclusions, or decisions are:

(1) In violation of constitutional provisions;
(2) In excess of the statutory authority or jurisdiction of the agency;
(3) Made upon unlawful procedure;
(4) Affected by other error of law;
(5) Unsupported by substantial evidence admissible under G.S. 150B-29(a), 150B-30, or 150B-31 in view of the entire record as submitted; or
(6) Arbitrary or capricious."

Sec. 20. G.S. 150B-52 is rewritten to read:

"**§ 150B-52. Appeal; stay of court's decision.**--A party to a review proceeding in a superior court may appeal to the appellate division from the final judgment of the superior court as provided in G.S. 7A-27. Pending the outcome of an appeal, an appealing party may apply to the court that issued the judgment under appeal for a stay of that judgment or a stay of the administrative decision that is the subject of the appeal, as appropriate."

Sec. 21. G.S. 150B-2 is amended by adding the following definition in the appropriate alphabetical order:

"(01) 'Substantial evidence' means relevant evidence a reasonable mind might accept as adequate to support a conclusion."

Sec. 22. G.S. 150B-47 is amended by rewriting the first sentence of the section to read:

"Within 30 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the agency that made the final decision in the contested case shall transmit to the reviewing court the original or a certified copy of the official record in the contested case under review together with: (i) any exceptions, proposed findings of fact, or written arguments submitted to the agency in accordance with G.S. 150B-36(a); and (ii) the agency's final decision or order."

Sec. 23. G.S. 150B-34 is rewritten to read:

"**§ 150B-34. Recommended decision or order of administrative law judge.**-- (a) In a contested case, the administrative law judge shall make a recommended decision or order that contains findings of fact and conclusions of law.

(b) After hearing the contested case and prior to issuing a recommended decision, the administrative law judge shall give each party an opportunity to file proposed findings of fact and to present written arguments to him."

Sec. 24. G.S. 150B-36 is amended by designating the current language of that section as subsection (b) and adding a new subsection (a) to read:

"(a) Before the agency makes a final decision, it shall give each party an opportunity to file exceptions to the decision recommended by the administrative law judge, and to present written arguments to those in the agency who will make the final decision or order."

Sec. 25. G.S. 150B-37 is amended as follows:

(1) by rewriting that part of subsection (a) preceding the colon to read:

"In a contested case, the Office of Administrative Hearings shall prepare an official record of the case that includes";

(2) by adding the word "and" after the semicolon following subdivision (a)(4);

(3) by deleting subdivision (a)(5);

(4) by deleting the phrase ", opinion, order, or report" in subdivision (a)(6) and substituting the words "or order"; and

(5) by adding a new subsection to read:

"(c) The Office of Administrative Hearings shall forward a copy of the official record to the agency making the final decision and shall forward a copy of the recommended decision to each party."

Sec. 26. G.S. 150B-33(b)(9) is amended by deleting the word "administrative".

Sec. 27. G.S. 150B-44 is amended by deleting the second sentence and substituting the following:

"Except for an agency that is a board or commission, an agency's failure to make a final decision within 60 days of the date on which all exceptions or arguments are filed under G.S. 150B-36(a) with the agency constitutes an unreasonable delay. A board or commission's failure to make a final decision within the later of the 60 days allowed other agencies or 60 days after the board's or commission's next regularly scheduled meeting constitutes an unreasonable delay."

Sec. 28. Sections 1 through 20 of this act shall become effective September 1, 1987; the remaining sections of this act are effective upon ratification. Sections 1 through 15 shall apply to contested cases commenced on or after September 1, 1987. Sections 16 through 20 shall apply to petitions for review filed on or after September 1, 1987.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1187
(Senate Committee Substitute)

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Sen. C.S. H.B. No. 1187, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE 1987 SESSION LAWS AND TO CLARIFY WHEN AN AGGRIEVED PERSON MAY COMMENCE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

H.B. 978
(Committee Substitute)

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Com. Sub. H.B. No. 978, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MORE UNIFORM SYSTEM OF RESOLVING ADMINISTRATIVE DISPUTES AND TO MODIFY JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace Collins
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 35 (Committee Substitute No. 2), an act to create the North Carolina Low-Level Radioactive Waste Management Authority, to provide for the management of low-level radioactive waste in North Carolina, and to amend the Southeast Interstate Low-Level Radioactive Waste Management Compact. (Ch. 850)

S.B. 657, an act to change the holiday for Easter from Easter Monday to Good Friday. (Ch. 851)

S.B. 217 (Committee Substitute No. 2), an act to promote economic development by authorizing tax credits for certain business investments and by authorizing the creation of North Carolina Capital Resource Corporations. (Ch. 852)

S.B. 293 (House Committee Substitute), an act to revise the legal banking holidays and to make technical amendments to the interest laws. (Ch. 853)

S.B. 484 (House Committee Substitute), an act to exempt coin-operated laundries from sales tax and to amend the definition of sales price for purposes of determining sales tax due on items sold in vending machines. (Ch. 854)

S.B. 755 (Committee Substitute), an act to provide a site to the United States Department of Energy for a "Superconducting Super Collider". (Ch. 855)

S.B. 1307 (Committee Substitute), an act to provide for the transfer of the Lenox Baker Hospital to Duke University. (Ch. 856)

S.B. 1395 (Committee Substitute), an act to revise the administration of the Teachers' and State Employees' Comprehensive Major Medical Plan. (Ch. 857)

H.B. 726 (Senate Committee Substitute), an act to provide for the SBI to investigate crimes concerning civil disorder. (Ch. 858)

S.B. 240 (House Committee Substitute), an act to address the medical malpractice insurance problem by changes in court procedure, medical board powers, and peer review. (Ch. 859)

S.B. 401 (House Committee Substitute), an act to authorize the Department of Transportation to participate in engineering and construction contracts with private developers for proposed state highways. (Ch. 860)

S.B. 1018 (Committee Substitute), an act to permit the Department of Human Resources to accept certain grants. (Ch. 861)

S.B. 1185 (Committee Substitute), an act to transfer the Buncombe County Community Penalties Program from the Department of Crime Control and Public Safety to the Administrative Office of the Courts. (Ch. 862)

S.B. 1356 (Committee Substitute), an act to clarify the responsibilites of the Departments of Human Resources and Public Education for the Adolescent Substance Abuse Program. (Ch. 863)

The Chair declares the Senate in recess awaiting additional bills and resolutions for ratification.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 785 (Senate Committee Substitute), an act to make technical corrections to the insurance law and to assist insureds in replacing coverage from insolvent insurance companies. (Ch. 864)

H.B. 1049, an act to permit the use of funds previously allocated from the reserve for repairs and renovations for an addition to the R. L. Vaughan Center at Elizabeth City State University. (Ch. 865)

H.B. 10 (Senate Committee Substitute), an act to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Department of Human Resources. (Ch. 866)

H.B. 432 (Senate Committee Substitute No. 2), an act to authorize the State Bureau of Investigation to conduct background investigations on persons to be confirmed by the General Assembly, the Senate, or the House of Representatives. (Ch. 867)

H.B. 911 (Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 868)

H.B. 1158 (Senate Committee Substitute), an act to authorize automobile insurance rate discounts for persons who are 55 years of age or older; to facilitate recovery of losses of the motor vehicle reinsurance facility; to revise and improve the subclassification plan for nonfleet private passenger automobile insurance; and to require proof of financial responsibility upon applications for drivers' licenses and limited driving privileges. (Ch. 869)

S.B. 643 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 870)

S.B. 749 (Committee Substitute), an act to establish a Recreation and Natural Heritage Trust Program. (Ch. 871)

S.B. 1241 (Committee Substitute), an act to modify the carry-forward and other provisions of the distillery tax credit. (Ch. 872)

H.B. 1 (Committee Substitute), an act to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law. (Ch. 873)

H.B. 897 (Committee Substitute), an act to allow the Department of Crime Control and Public Safety to control and manage Butner Public Safety vehicles the same as it does Highway Patrol vehicles. (Ch. 874)

H.B. 1066, an act to facilitate construction of ranger's residences. (Ch. 875)

H.B. 2 (Committee Substitute), an act to make miscellaneous changes to the State budget for the 1987-89 fiscal biennium. (Ch. 876)

H.B. 674, an act concerning government publications. (Ch. 877)

H.B. 978 (Conference Committee Substitute), an act to establish a more uniform system of resolving administrative disputes and to modify judicial review of administrative decisions. (Ch. 878)

H.B. 1187 (Senate Committee Substitute), an act to make technical corrections in the 1987 Session Laws and to clarify when an aggrieved person may commence a contested case under the Administrative Procedures Act. (Ch. 879)

H.J.R. 2165, a joint resolution setting the time for adjournment of the 1987 General Assembly to reconvene in 1988, and limiting the subjects that may be considered in that Session. (Res. 37)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1673, a bill concerning State services.

Pursuant to Rule 41(b), the Chair orders the bill held as received in the Office of the Principal Clerk.

Ascertaining no further business to come before the Senate, the Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business before it and stands ready to adjourn upon receipt of a like message from that Honorable Body.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2165

House of Representatives
August 14, 1987

Mr. President:

It is ordered that a message be sent your Honorable Body respectfully advising that the business of the House has been concluded and that this Body will be ready to adjourn pursuant to House Joint Resolution 2165, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1987 GENERAL ASSEMBLY TO RECONVENE IN 1988, AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, upon notification that your Honorable Body stands ready to adjourn.

Respectfully,
S/Grace Collins
Principal Clerk

Pursuant to **H.J.R. 2165**, a joint resolution setting the time for adjournment of the 1987 General Assembly to reconvene in 1988, and limiting the subjects that may be considered in that Session, and to the information received from the House of Representatives, Senator Rand, seconded by Senator Hipps, offers a motion that the Senate do now adjourn to reconvene at Noon two days after the date set by law for a second primary in 1988, which is Thursday, June 2, 1988, which motion prevails.

The hour for adjournment having arrived as fixed by H.J.R. 2165 and passed by the two Houses, Lieutenant Governor Jordan, by the authority vested in him as President of the Senate, declares the Senate stands adjourned to reconvene at Noon two days after the date set by law for a second primary in 1988, which is Thursday, June 2, 1988.

Robert Byrd Jordan III
President of the Senate

Sylvia Morris Fink
Principal Clerk

ADDENDUM

ERRATA

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The following bill and motion of Senator Parnell are inadvertently omitted from the report of the **State Government Committee** and should appear immediately following **H.B. 477**:

H.B. 824 (Committee Substitute), a bill to amend Chapter 122A to allow the North Carolina Housing Finance Agency to temporarily adjust income requirements for certain multi-family housing, to own certain housing projects, and to correct certain statutory drafting errors, with a favorable report.

On motion of Senator Parnell, the Committee Substitute bill is recommitted to the **State Government Committee**.

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or

(2) when the Chair determines that there is no objection from any member present which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

It will be noted that Rule 20 (2) of the House of Representatives requires that "all measures affecting a fee imposed by the State or any subdivision thereof" are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the presiding officer.

Sylvia Fink
Principal Clerk

ERRATA

Page 691

The following bill and motion of Senator Parnell are inadvertently omitted from the report of the **State Government** Committee and should appear immediately following H.B. 477:

H.B. 824 (Committee Substitute), a bill to amend Chapter 122A to allow the North Carolina Housing Finance Agency to temporarily adjust income requirements for certain multi-family housing, in case certain housing projects, due to correct certain statutory drafting errors, would be unable to report.

On motion of Senator Parnell, the Committee Substitute bill is recommended to the State Government Committee.

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 20 states:

No bill or its main reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on the third reading the same day on which it passed on second reading, unless so ordered by two-thirds of the membership of the Senate.

In order to comply with this Rule, no bill when first passed on second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or

(2) when the Chair determines that there is no objection from any member present when consideration unanimous consent that Rule 20 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in the regular order of business.

It will be noted that Rule [illegible] (2) of the House of Representatives requires that "all measures affecting a tax imposed by the State or any subdivision thereof are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal." Though the Senate Rules do not require, the Rule of the House of Representatives is followed and the measures are considered as roll-call measures, unless ruled otherwise by the presiding officer.

Sylvia Pons
Principal Clerk

APPENDIX

NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120-1)

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Towns, Census Tracts, Enumeration Districts
1st	(1)	BEAUFORT (Township of Pantego), BERTIE (Townships of Merry Hill, Whites, Windsor--Town of Askewville; Enumeration Districts 196,197), CAMDEN, CHOWAN, CURRITUCK, DARE, GATES (Townships of Holly Grove, Hunters Hill, Mintonsville), HYDE, PASQUOTANK, PERQUIMANS, TYRRELL, WASHINGTON.
2nd	(1)	BERTIE (Townships of Colerain, Indian Woods, Mitchell, Roxobel, Snake Bite, Woodville, Windsor--Town of Windsor; Enumeration Districts 198A, 199), EDGECOMBE (Townships of 3--Upper Conetoe, 4--Deep Creek), GATES (Townships of Gatesville, Hall, Haslett, Reynoldson), HALIFAX (Townships of Conocarnara, Enfield, Halifax, Littleton, Palmyra, Roseneath, Scotland Neck, Weldon), HERTFORD, MARTIN (Townships of Goose Nest, Hamilton), NORTHAMPTON, VANCE (Townships of Middleburg-Nutbush, Townsville, Williamsboro, WARREN (Townships of Fork, Hawtree, Nutbush, River, Roanoke, Sandy Creek, Shocco, Sixpound, Smith Creek, Warrenton)
3rd	(1)	CARTERET, CRAVEN, PAMLICO.
4th	(1)	ONSLOW.
5th	(1)	DUPLIN, JONES, LENOIR, PENDER (Townships of Columbia, Union).
6th	(1)	EDGECOMBE (Townships of 1--Tarboro, 2--Lower Conetoe, 5--Lower Fishing Creek, 8--Sparta, 9--Otter Creek, 10--Lower Town Creek, 11--Walnut Creek, 12--Rocky Mount, 13--Cokey, 14--Upper Town Creek), MARTIN (Township of Robersonville), PITT (Townships of Arthur, Belvoir, Bethel, Falkland, Farmville, Fountain), WILSON (Townships of Gardner, Wilson, Toisnot).
7th	(1)	NEW HANOVER, PENDER (Townships of Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point, Topsail).
8th	(1)	GREENE, WAYNE.
9th	(1)	BEAUFORT (Townships of Bath, Chocowinity, Long Acre, Richland, Washington), MARTIN (Townships of Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams, Williamston), PITT (Townships of Ayden, Carolina, Chicod, Greenville, Grifton, Grimesland, Pactolus, Swift Creek, Winterville).
10th	(1)	EDGECOMBE (Townships of 6--Upper Fishing Creek, 7--Swift Creek), HALIFAX (Townships of Brinkleyville, Butterwood,

Faucett, Roanoke Rapids), NASH, WARREN (Townships of Fishing Creek, Judkins), WILSON (Townships of Black Creek, Cross Roads, Old Fields, Saratoga, Springhill, Stantonsburg, Taylor).

11th	(1)	FRANKLIN, VANCE, WAKE (Townships of Bartons Creek, Little River, Marks Creek, New Light, Wake Forest, St. Matthews Precincts 1, 2, 3, 4).
12th	(2)	CUMBERLAND (Townships of Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mill, Rockfish, Seventy-First).
13th	(2)	DURHAM, GRANVILLE, PERSON, ORANGE (Townships of Cedar Grove, Eno, Little River).
14th	(3)	HARNETT, LEE, WAKE (Townships of Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Leesville, Meredith, Middle Creek, Neuse River, Panther Branch, Raleigh, St. Mary's, St. Matthews [not including District 11], Swift Creek, White Oak).
15th	(1)	JOHNSTON, SAMPSON.
16th	(2)	CHATHAM, MOORE, RANDOLPH, ORANGE (Townships of Bingham, Chapel Hill, Cheeks, Hillsborough).
17th	(2)	ANSON, MONTGOMERY, RICHMOND, SCOTLAND, STANLY, UNION.
18th	(1)	BLADEN, BRUNSWICK, COLUMBUS, CUMBERLAND (Township of Beaver Dam).
19th	(1)	FORSYTH (Townships of Belews Creek, Kernersville), GUILFORD (Townships of Bruce, Center Grove, Clay, Fentress, Greene, Madison, Monroe, Oak Ridge, Rock Creek, Washington--Precincts of Friendship I, Greensboro 10, 20, 21, 27, 28, 32, 34, 35).
20th	(2)	FORSYTH (Townships of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna, Winston).
21st	(1)	ALAMANCE, CASWELL.
22nd	(1)	CABARRUS, MECKLENBURG (Precincts of Charlotte 62, 64, Clear Creek, Matthews, Mint Hill 1, 2, Morning Star, Providence).
23rd	(2)	DAVIDSON, DAVIE, ROWAN.
24th	(2)	ALLEGHANY, ASHE, ROCKINGHAM, STOKES, SURRY, WATAUGA.
25th	(3)	CLEVELAND, GASTON, LINCOLN, RUTHERFORD.
26th	(2)	ALEXANDER, CATAWBA, IREDELL, YADKIN.

27th	(2)	AVERY, BURKE, CALDWELL, MITCHELL, WILKES.
28th	(2)	BUNCOMBE, McDOWELL, MADISON, YANCEY.
29th	(2)	CHEROKEE, CLAY, GRAHAM, HAYWOOD, HENDERSON, JACKSON, MACON, POLK, SWAIN, TRANSYLVANIA.
30th	(1)	HOKE, ROBESON.
31st	(1)	GUILFORD (Townships of Jefferson, Sumner, High Point Census Tract 166 [Block 921], Precincts of Greensboro 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, 30, High Point 3, 5, 6, 7, 11, 12, 19, Jamestown 1, 2, 3).
32nd	(1)	GUILFORD (Township of Deep River, Precincts of Friendship II, Greensboro 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33, 36, High Point 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21).
33rd	(1)	MECKLENBURG (Precincts of Charlotte 2, 11, 12, 13, 14, 15, 16, 22, 25, 27, 29, 31, 39, 41, 42, 44, 46, 52, 54, 55, 56, 60, 77, 78, 82, Long Creek 2).
34th	(1)	MECKLENBURG (Precincts of Charlotte 3, 4, 5, 23, 24, 26, 28, 30, 33, 40, 43, 45, 53, 61, 79, 80, 81, 83, 84, 89, Berryhill, Cornelius, Crab Orchard 1, 2, Davidson, Huntersville, Lemly, Long Creek 1, Mallard Creek 1, 2, Oakdell, Paw Creek 1, 2, Steel Creek 1, 2).
35th	(1)	MECKLENBURG (Precincts of Charlotte 1, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 57, 58, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 85, 86, 88, Pineville).

SENATE RESOLUTIONS

FIRST SESSION 1987

Adopted March 31, 1987 (See page 151 Senate Journal)

S.R. 13 (COMMITTEE SUBSTITUTE), A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE 1987 SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

Adopted June 16, 1987 (See page 661 Senate Journal)

S.R. 1546, TO AMEND THE PERMANENT RULES OF THE SENATE OF THE 1987 GENERAL ASSEMBLY TO CLARIFY THE APPLICABILITY OF THE LICENSING BOARD PROCEDURE ESTABLISHED BY CHAPTER 180 OF THE 1987 SESSION LAWS TO BILLS ALREADY INTRODUCED.

Adopted June 29, 1987 (See page 732 Senate Journal)

S.R. 1554, A RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing members of the Board of Governors of the University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES

1. It is the duty of the Select Committee on University Board of Governors of the Senate (hereinafter referred to as "the Senate Committee") to choose at least two nominees for each opening in each category of seats on the Board of Governors of the University of North Carolina to which the Senate is to elect members.

2. The Senate shall vote only upon those nominees in the four-year at-large category chosen by the Senate Committee or proposed as nominees from the floor of the joint session of the Senate and House of Representatives.

3. The Senate Committee shall receive suggestions of proposed candidates for nomination for the University Board of Governors through June 17, 1987. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate Committee.

4. After June 17, 1987, the Senate Committee shall meet and receive from members of the Committee formal proposals of candidates for nomination. A Committee member may propose candidates for nomination only for the categories available for election by the Senate.

5. The Senate Committee shall screen the proposed candidates for nomination proposed to it as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category and that each candidate for nomination is willing and able to serve and has no statutory disability.

6. There is no limit on the number of persons a Senator may propose as candidates for nomination. When the proposing process is closed, the Senate Committee shall list all proposed candidates for nomination by category and shall vote on each candidate proposed for nomination and listed on the Senate ballot. A vote of a majority of those members of the Senate Committee present and voting shall constitute one a

nominee. An individual cannot be a candidate for nomination or be nominated in more than one category.

7. Senate Committee nominees shall be placed before and recommended to a joint session of the House of Representatives and Senate.

II. JOINT SESSION - SELECTION OF NOMINEES.

1. The Senate and House of Representatives shall meet in joint session at 1:30 p.m. on July 1, 1987, for the purpose of nominating persons for election to the Board of Governors of the University of North Carolina. In the joint session of the Senate and House of Representatives, committee nominations shall be made first and then the floor shall be opened for the nomination by any Senator or Representative of persons for election to the Board of Governors. Nominees shall be grouped into the following categories, as required by G.S. 116-6:

(1) Women nominees for four-year term,
(2) Minority race nominees for four-year term,
(3) Minority party nominees for four-year term,
(4) At-large nominees for four-year term, Senate,
(5) At-large nominees for four-year term, House of Representatives.

Notwithstanding any provision herein, any person may be nominated in either category (4) or (5) above so long as his name does not appear in more than one category.

2. In proposing a nominee, the nominator shall state the category for which the nominee is being proposed. An individual cannot be proposed in more than one category.

3. There is no limit on the number of persons one Senator may nominate and no limit on the categories for which he may nominate persons in the joint session.

4. Names shall continue to be received until the number of nominees in each category is at least twice the number of places to be filled, that is, there shall be nominated a minimum of two women, two Republicans, two racial minority members, six at-large nominees (Senate), and four at-large nominees (House of Representatives), all for four-year terms.

5. No vote shall be taken on the nominees in the joint session. When the names of all nominees have been received, the joint session shall be dissolved.

6. The Chairman of the Senate Committee shall contact all nominees for election by the Senate and ascertain whether they would serve if elected. Any nominee may withdraw his name without the approval of the person who proposed his name. If withdrawals reduce the number of nominees below twice the number of places to be filled in any category, another joint session of the Senate and House shall be held to receive sufficient additional nominations in that category.

III. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Chairman of the Senate Committee for the use of the Senate.

2. The ballot shall list only those nominees proposed by the Senate Committee who have consented to run and all those nominees proposed from the floor in the joint session who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged (a) by category and (b) within each category, alphabetically by surname.

3. The Senate shall hold its election at the beginning of the daily session on July 2, 1987. Before the voting begins, the President of the Senate shall explain the voting rules, which are:

(i) No nomination shall be received from the floor.
(ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting for his category.
(iii) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.
(iv) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the

nominees in that category, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

(v) When fewer than three nominees in the four-year at-large category receive the votes of a majority of all members present and voting for positions in that category, a runoff to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(For the purpose of illustration, if when the first ballot is taken, no nominee receives a majority, then the top six vote-getters will be in the runoff, because there must be twice the number of persons in the runoff that there are positions to be filled and the Senate has three such positions to fill. If one person receives the votes of a majority of all members present and voting for that category, then he is elected and a runoff will be held among the four next highest vote-getters. This is so because there are two positions remaining to be filled and there must be twice the number of nominees in the runoff that there are positions available, therefore four. If two persons receive the votes of a majority of the members present and voting, both will be elected and a runoff will be held between the two next highest vote-getters, because only one position remains to be filled.)

(vi) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would thereby be more than two nominees per available position on the Board of Governors.

(vii) When more than three nominees in the four-year at large category receive the votes of a majority of all members present and voting for positions in that category, then the three nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following: Three persons in the at-large category for a four-year term, and one person in the minority party category for a four-year term.

Every ballot shall be signed by the Senator casting it, and no unsigned ballot shall be counted.

5. The Chairman of the Senate Committee shall be responsible for canvassing the vote and declaring the results thereof. All ballots shall be retained by the Principal Clerk as part of the permanent records of the State Senate and shall open for immediate public inspection.

6. When the Chairman of the Senate Committee has determined that the Senate has elected one member of the Board of Governors from the minority party category for a term of four years and three members of the Board of Governors from the at-large category for terms of four years, the President of the Senate shall declare those four persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

IV. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Chairman of the Senate Committee shall notify the Secretary of the Board of Governors of the University of North Carolina of the names of the persons elected by the Senate and the category for which and term for which each of them was elected.

Sec. 2. This resolution is effective upon adoption.

Offered April 27, 1987 (See page 285 Senate Journal)

S.R. 472, A SENATE RESOLUTION HONORING THE SERVICE OF J. ROBERT GORDON TO THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION AND PROCLAIMING THE

DESIGNATION OF THE J. ROBERT GORDON SANDHILLS FIELD TRIAL AREA IN RECOGNITION OF HIS SERVICE.

Whereas, J. Robert Gordon, an attorney of distinction from the City of Laurinburg, served with unparalleled devotion as Chairman of the North Carolina Wildlife Resources Commission for many years; and

Whereas, during these years he guided the Commission with loving care and meticulous attention through one of the more troubled periods of its long history; and

Whereas, he gave unstintingly of his time during these years, attending and presiding over every meeting of the Commission and attending virtually every public hearing the Commission held in North Carolina; and

Whereas, during this long period of dedicated service, he kept the Commission fully mindful of its responsibility to serve the hunters and fishermen of North Carolina and also to protect the environment, to assure the continued existence of endangered species, and to preserve adequate numbers of game species for the sportsmen of the future; and

Whereas, his careful guidance helped the Commission reach new plateaus of respect with the sportsmen of North Carolina and also with the General Assembly; and

Whereas, during the Commission's 38-year history, no one has previously held the position of Chairman for as many years in succession; and

Whereas, on the 25th day of February 1985, the North Carolina Wildlife Resources Commission, by unanimous vote, decreed that, in recognition of the long, able, and devoted service of J. Robert Gordon, the Sandhills Field Trial Area, one of the nation's premier field trial grounds, be thereafter designated and known as the J. Robert Gordon Sandhills Field Trial Area, and that a suitable plaque be erected within the area;

Now, therefore, be it resolved by the Senate:

Section 1. The General Assembly of North Carolina honors the long, able, and devoted service of J. Robert Gordon to the North Carolina Wildlife Resources Commission, and to North Carolina.

Sec. 2. The General Assembly of North Carolina proclaims the designation of the J. Robert Gordon Sandhills Field Trial Area. The North Carolina Wildlife Resources Commission shall continue to so designate this area, and shall ensure that the suitable plaque decreed by the Commission on 25 February 1985 be maintained in proper order.

Sec. 3. The Secretary of State shall submit a certified copy of this resolution to J. Robert Gordon and to the North Carolina Wildlife Resources Commission.

Sec. 4. This resolution is effective upon adoption.

EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE OF NORTH CAROLINA

JAMES G. MARTIN

In compliance with G. S.150A (Art.5) and Chapter 479 (S.B. 1 [Sec.152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued (to date of printing) as summarized below.

The full text of Executive Orders 26 through 53 can be found in the *Session Laws of the 1987 General Assembly, First Session 1987*

Executive Order	*Title*	*Date of Issuance*

26 **Emergency Drought Relief** **7/23/86**

Development and implementation of "Operation Hay" assistance to famers.

27 **North Carolina Fund for Children and Families Commission** **9/8/86**

Establishes funds and programs for rehabilitating victimized children and their families.

28 **Private Development Bonds** **9/23/86**

Creates Interim Private Activity Bond Allocation Committee, naming chairman, to study complete utilization of private bond resources for State funds.

29 **Governor's Task Force on Racial, Religious and Violence and Intimidation** **10/2/86**

Ethnic Task Force consisting of eleven people appointed by the Governor to work closely with the staff of the North Carolina Human Relations Council to establish a uniform statewide network for reporting racial, religious and ethnic incidents. Term expires December 31, 1988.

30 **Amendment to Executive Order Number One (1)** **12/15/86**

Increases the Board of Ethics from five (5) to seven (7) members.

31 **Amendment To Executive Order Number 28** **1/21/87**

Names Secretary of Commerce, Claude E. Pope, as Chairman of the Interim Private Activity Bond Allocation Committee.

32 **Governor's Literacy Council** **2/16/87**

Eleven member council to coordinate programs, organizations and groups to identify problems and offer solutions for increased literacy.

33 **Amending Executive Order Number 1, Extending Expiration Date of Executive Order Number 1 to January 29, 1989** **1/30/87**

(As title indicates Re: Board of Ethics).

34 **Governor's Program to Encourage Business Enterprises owned by Minority, Women and Disabled Persons** **2/27/87**

Establishing economic opportunities including 4% of State's contracts for minorities, women, and disabled persons through awareness programs within State agencies.

35 **Transferring the State Information Processing Services (SIPS) to the Office of the State Controller** **3/4/87**

(As title indicates).

36 **Governor's Task Force on the Farm Economy in North Carolina and Governor's Advisory Committee on Agricultural Parks** **3/6/87**

Establishes a Task Force of thirty people to represent all rural regions of the State; study feasibility of agricultural parks with food processing facilities.

37 **North Carolina Response to and Management of Federal Restrictions on Private Activity Bonds and Low-Income Housing Tax Credits** **3/13/87**

Establishes the North Carolina Federal Tax Reform Allocation Committee, which continues and expands the Private Activity Bond Allocation Committee--see Executive Order 28.

38 **Amendment to Executive Order Number 32** **3/12/87**

Changing title to *Governor's Commission on Literacy.*

39 **Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan** **3/16/87**

Establishes the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan, pursuant to G.S. 143B-426.24.

40 **Governor's Commission for the Family** **3/16/87**

Establishes Commission to encourage public awareness of the needs of strengthening families and their needs.

41 **Governor's Force on Development of Private Seed Venture Capital Sources** **3/20/87**

To encourage development in North Carolina of a private seed venture capital fund and recommend identified needs.

42 **State Building Commission** **3/23/87**

Creates Commission to provide rules and recommendations for the acquisition, construction, and utilization of State-owned properties.

43 **North Carolina Emergency Response Commission** **4/7/87**

Establishes Commission to appoint, review, implement and supervise emergency planning committees, under the "Right-to-know" Act.

44 **Governor's Task Force on Racial, Religious and Ethnic Violence and Intimidation** **4/22/87**

Amends membership to twelve persons (shall include at least one American Indian).

45 **The Governor's Language Institutes Advisory Board** **4/22/87**

Establishes Board of twelve members to oversee planning and operation of educational programs of foreign language teachers within State, and to select full-time executive director to manage Governors institutes.

46 **Amendment to Executive Order Number 40 Governor's Commission for the Family** **4/22/87**

Commission enlarged to not less than thirty members.

47 **Amendment to Executive Order Number 27 "North Carolina Fund for Children and Families Commission"** **4/28/87**

Commission placed in the Department of Administration/Youth Advocacy and Involvement Office. Funds provided for intervention and treatment of victimized children and families, expanding investment authority.

48 **Amendment to Executive Order Number 43 "North Carolina Emergency Response Commission"** **5/14/87**

Designates "The Secretary of the Department of Natural Resources and Community Development or his designee" as a member in lieu of a representative of the Environmental Management Commission.

49 Governor's Advisory Commission on Military Affairs **5/20/87**

Establishes Commission to aid in the enhancement of all phases of military affairs which would create a better understanding within the State and its military families. Recinds Executive Order No. 11.

50 Amendment to Executive Order Number 43 "North Carolina Emergency Response Commission" **6/17/87**

Amends Section 1 by expanding the membership to include "The Commissioner of the Department of Agriculture or his designee."

51 Extension of Executive Orders 3, 8, 9, 10, and 12; Extension and Amendment of Executive Orders 7, 13, and 14; and Rescission of Executive Order 19 **7/14/87**

Extends:

Executive Order 3 (3/27/85) North Carolina Advisory Council on Vocational Education.

Executive Order 8 (6/28/85) Governor's Advisory Committee on Travel and Tourism.

Executive Order 9 (6/28/85) North Carolina Public Transportation Advisory Council.

Executive Order 10 (6/28/85) North Carolina Small Business Council.

Executive Order 12 (6/28/85) Governor's Highway Safety Commission.

Amends and Extends:

Executive Order 7 (6/28/85) Women's Economic Development Advisory Council.

Executive Order 13 (6/28/85) North Carolina State Health Coordinating Council.

Executive Order 14 (6/28/85) Governor's Task Force on Domestic Violence.

Recinds:

Executive Order 19 (8/7/85) Governor's Commission for Recognition of State Employees.

52 Veterans Preference in Job Training Partnership Act (JTPA) Programs **7/30/87**

Requires special assistance to veterans regarding employment, training and education.

53 Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse **7/30/87**

Establishes an "Advisory Team" to coordinate existing State alcohol/drug programs and eliminate duplication. Implement new alcohol/drug abuse programs. Report on proposed legislation prior to 3/1/88.

(February 9, 1987–see pages 9, 11, 12, and 13)

Remarks not submitted in writing by Senators Harrington, Redman, Plyler, Rauch, Harris, Speed, Johnson of Wake, and Marvin during the election of officers fail to appear in the Journal due to mechanical failure of the recording equipment.

(February 16, 1987 - see Page 38)

STATE-OF-THE-STATE ADDRESS
by Governor James G. Martin

Mr. Speaker, Lieutenant Governor Jordan, Members of the 137th North Carolina General Assembly, Distinguished Guests, Ladies and Gentlemen:

I am here this evening at your kind invitation, and in obedience to our State Constitution, which for 211 years has manifested the sovereignty of our State in a proud and virtuous people. It is to you their representatives, directly, and to them, indirectly, that I am pleased to present my Biennial Budget Message and report on the "State of the State," which I may supplement from time to time.

Economy of the State

Overall, our economy has had a relatively strong year. The total number of jobs broke above three million for the first time in December, 1985, and throughout 1986 averaged above that three million mark. Correspondingly, the rate of unemployment, which had dropped from 7% in 1984 to 5% in 1985, (averaging 5.4% for the year 1985) has held to that level, averaging 5.3% throughout 1986, and is currently below 5%. Certainly, there's still room for improvement, but it's worth noting that only a couple of states ranked better throughout this past biennium; none in the Southeast.

Our so-called gross-state-product, consequently, has steadily outpaced the gross-national-product. One of the most reassuring reports was the resurgence of manufacturing jobs, especially among textiles and apparel, which regained more than six thousand jobs, in a dramatic reversal from the previous decade's trend.

Average personal income showed only modest improvement, clearly an area which will command greater attention in the next few years.

Our greatest concern regarding the economy is the increasing difficulty experienced recruiting new business investment to North Carolina. The competition from other states is tougher and more aggressive than before, and there are fewer known prospects in the field to satisfy all this competition. So, our pipeline is not as full as in years past. Surely, this is no time for complacency or negativism.

Blueprint

That is why our Commerce Department has laid out a bold plan to set fresh targets of opportunity for our recruiting efforts. With all our "high tech" successes, we have not scratched the surface of the aerospace and defense related industries. They are eager to expand--our way.

My administration discovered early on that with all our efforts to recruit new industry to North Carolina, there previously wasn't much of an effort, or have much of a program, for the hundred thousand businesses already here. Our new office for "traditional industries" is a pioneering effort that we are sharing with other states.

North Carolina's "traditional industries" have gotten (indeed have sought) very little of the business for supplying the needs of America's Armed Forces. Surely, we can improve on this. We are making progress attracting manufacturers of automotive components, and many other targets appear attractive for us. We have had some spectacular successes bringing foreign companies to invest here, and we can do much more.

With the U. S. dollar finding a truer exchange rate with foreign currencies, the time is ripe. The next two years should also be a prime time for us to become more aggressive about exporting North Carolina's many quality products into their markets, for a welcome change. That's why we propose a bolder commitment of State Offices overseas - to help sell North Carolina. That's why I proposed new summer institutes for foreign languages - to help North Carolina compete in world markets. **It just makes good sense.**

Our regional offices in-state will also be strengthened, and our State Library's new telecommunications network will give every county immediate access to vital business information. Far exceeding any other state, this will share a powerful weapon for

recruiting and helping technology-dependent business in rural areas far removed from resource centers.

We will strengthen our North Carolina film office, to assist movie makers in taking advantage of the attitudes and skills of our workers, our climate, our natural lighting so admired by Steven Spielberg for "The Color Purple."

Currently, we have three production studios with fifteen sound stages. That far exceeds what any other state has to offer with the giant exception of California, of course; which explains why we're already being called the "Hollywood of the East." Of the top ten films at the box office last month, three were "Made in North Carolina."

There is so much we can do to help build a brighter future for North Carolina's small businesses. They have two major problems. One is the vast and complicated array of permits that are required to do business--too much red-tape. Another is access to adequate capital.

Here's what we should do with the red-tape: give them a break, with a one-stop permit office that will develop a complete checklist with simplified directions of all the permits and licenses that are needed from all levels of government. Time is money in business, and anything we can do to save time for a business saves money. Now that makes good sense, doesn't it?

We are establishing such an office in a bipartisan effort to get businesses the information they need quickly, so they can accomplish what they want to do by knowing what is expected of them for compliance with our laws and regulations. We will offer the same special help to counties, to shorten the delays they have encountered with landfill permits. I am establishing an interagency task force to give them quicker, better coordinated, on-site decision-making.

Your own task force on Jobs and Economic Growth has identified a number of areas needing legislation to give us the weapons to win new victories in economic development, especially with existing businesses, and especially in rural areas. I ask you to join with me in a coordinated assault from both our branches of government. Some improvements we can do internally, and some will need your legislative approval. In many ways, the two plans are complementary. That's good.

Your proposal for a Rural Economic Development Corporation deserves support as an excellent mechanism for giving long-term direction and stimulation for investment in those small cities that can serve as growth centers in rural areas. It avoids setting up an uncoordinated rival that might undermine the main strength of our Commerce Department, and confuse prospective investors as to who negotiates for North Carolina.

Even in the single, solitary area where we have found some disagreement, I believe we can agree on the goal, and work out our differences. It is not disputed that while many Venture Capital Funds are actively investing in home-grown businesses there is considerable need for early seed money. The sticking point has to do with the means of solving this need.

My concern is with the notion of creating a State-funded authority for doling out the money and for choosing the winners who would receive the capital boost. Such a mechanism would always be suspected of political favoritism, and would be unable to function without a typical, governmental overlay of formulas and extraneous, unbusinesslike factors. It would probably find itself unable to replenish its capital from profits, relying instead on never-ending doses of tax dollars. There is a better way: it's called "free enterprise."

Drawing on the expertise of North Carolina investment specialists, we have developed no less than six new financing mechanisms to help increase the availability of both capital and credit for new businesses and expansions, with special emphasis on small business ventures, and with special attention to rural North Carolina. I invite you to work with me to make these innovative ideas into a productive reality:

1. To increase the availability of fixed-rate, long-term financing for small business;
2. A secondary market for small business loans under various SBA loan guarantees;

3. To make industrial revenue bonds more widely accessible to small businesses, especially in rural counties that previously had been left out;
4. To authorize (but not require) State trust funds to be able to invest in private, investment-quality venture capital funds;
5. To create a private, early-venture-capital fund, for seed capital in North Carolina, which might include tax credits or similar incentives for investors; and
6. A State-wide "504" Certified Development Corporation to act as loan originator and facilitator in those forty-eight counties that now lack those services.

Farming

No sector of our economy has had to endure a heavier burden longer than our small family farms. The number of farms has been steadily declining for over twenty years, so it is not a recent phenomenon as some have tried to portray it for political purposes. Excessive credit accumulated in the seventies is now crushing our farmers, and pressure to undermine the Tobacco Stabilization Program has threatened the commodity that once was our number one source of farm income.

This has been a major focus of attention for me and my administration. Working with Agriculture Commissioner Graham, I have organized a task force of financial institutions to assist farmers in restructuring their credit along more affordable terms.

Another series of meetings at the Executive Mansion brought together farm organizations, cigarette manufacturers, bankers and most of our Congressional delegation. Together, we forged an agreement that produced the largest business deal in the history of North Carolina, to buy out the surplus of stockpiled tobacco, and eliminate the oppressive assessment that faced our farmers.

Together, during the long drought, we mobilized the resources of our State, public and private, for an orderly and fair distribution of donated hay, that had come to us in a magnificent, outpouring example of neighbors helping neighbors.

By my order, job training programs that had been designed for dislocated factory workers were extended for the first time to dislocated farm workers, as well as to our Vietnam veterans.

To strengthen the markets for our farm commodities, I am asking you now to establish three innovative Agriculture Parks, one in our Northeastern area, one in our Southeastern counties, and a third at the Western Farmers Market at Asheville. In addition to the more conventional tailgate retail operations, modern food processing services would be available to improve the marketability of our field crops.

I have commissioned a Task Force on Rural Economic Growth, headed by former Lieutenant Governor Jimmy Green, to work closely with your Rural Economic Development Corporation to develop these and other ideas to renew the agricultural vitality of rural North Carolina.

Transportation

Crucial to our "Blueprint for Economic Development" is transportation. Thanks to your adoption of my proposal for major strengthening of our highway construction program (as amended), our major funding commitment is now in place. As soon as the U.S. Congress gets its highway act together, we can begin to schedule long awaited improvements in every highway district.

More Roads to the Future

There are a couple of missing pieces that will be submitted for your approval. North Carolina can save time and a great deal of money with a permanent State construction fund, avoiding many of the costly federal requirements for federally matched projects.

At the same time, local governments need greater authority to identify, protect and/or acquire costly rights-of-way, so that developers can be kept from encroaching with buildings that we later would have to condemn and purchase at great cost.

These two bits of unfinished business would soon be able to save us fifty-to-sixty million dollars a year, which is already anticipated in our current Transportation Improvement Plan. The Senate passed both measures last year; and I ask you to join

with me to complete our "Roads to the Future." It means a lot of dollars, and it makes a lot of sense!

Fair Roads Law

For years our mountain counties have suffered an unfair distribution of secondary road construction. Giving each county the same percentage of secondary road money as its percentage of total unpaved miles shortchanges those in the mountains where road-building costs are naturally much higher. They don't get much mileage out of that. I will ask you to join with me to adopt a fairer formula, a fair roads law, with a bonus provision so that no county will receive less than it gets this year.

Public Schools

Now, let's face up to our weakest record as a State: public schools. This is the largest and most important responsibility of State and local governments, and hardly any measurement has earned us satisfaction or pride.

Our students' performance on standardized tests is falling behind. The drop out rate is embarrassing and unacceptable. We have had great difficulty attracting enough talented teachers to our classrooms, and keeping them there. On this subject, without a doubt, North Carolina "needs improvement."

Our State must pull together to strengthen our support for public schools. Responsibility for this situation falls not on our schools, but on all of us together; and that means we, the people, must join together to revitalize North Carolina's schools. The Southern Growth Policies Board will report to you tomorrow on its efforts to invigorate schools in all southern states, in the belief we can make our schools competitive with any in America.

We have made a start. In 1984 and 1985, you made a monumental commitment to strengthening our basic State funding of local schools, through the first two years of the Basic Education Plan. Together, we rallied behind the 16 pilot programs for the career ladder concept, to develop for the first time a fair and effective system for evaluating and rewarding good teaching, to provide a way to give promotions to good teachers without their having to leave the classroom to offer "better pay for better teachers."

The budget which I am submitting to you clearly spells out a renewed commitment to public schools as the highest priority for our available resources.

For the twenty-four years before my administration, spanning five "education governors," the percentage of the General Fund budgeted for public schools declined every year except two, 1966 and 1984. Even with my tax cut proposals, school spending was increased even as a percentage of the General Fund, and if you will join with me to approve my budget for the next biennium, we will improve it five years, back-to-back.

It is fitting for you to show pleasure that my budget supports some of your best ideas. And why not? The same bipartisan spirit should earn your support for the bold initiatives in my budget.

Basic Education Plan

It begins with a giant step forward to add another $375 million to the Basic Education Program over the biennium. That will fully fund your goals for the fourth year of this eight year plan for boosting State financing of public schools by one-third.

Of vital importance, my proposal will keep us moving steadily forward to reduce classroom size, by hiring the extra teachers needed to lower the critical pupil - teacher ratio. It avoids the suggestion of skipping even one year, for that would break the stride of our momentum, and would miss the full advantage of this year's college graduating talent.

You will recall my earlier questions related only to the order of priorities within the Basic Education Plan. Its chief virtues have been (1) that it increase in a substantial way our State funding of public schools state-wide, and (2) its strong allocation of resources to remedy the conditions that contribute to so high a dropout rate. Yet, even if it were an ideal plan for the average condition of our schools, that would not make it ideal for the typical school, which is not average at all.

Local Control

Some will need to allocate even more of these resources to countering "dropitis," while others may have better than average dropout rates, and might need to allocate more resources for college preparatory work, if that fits their situation better. For such reasons, I propose that you join with me to provide a greater degree of local flexibility.

Local school boards need to be able to initiate a variance from the standard program, subject to the approval of the State Board of Education. In this way, a major advantage will be won for all our schools by strengthening their local control. It is well established that more effective schools result from a greater degree of local control and local determination of priorities. It just makes sense!

Career Ladder

At the same time, I am proposing that we strengthen our commitment to the Career Development Program, which holds the brightest promise for heightened excellence in education by raising the stature and appeal of classroom teaching as a profession and career.

The first year of the experimental pilot project did not meet all the goals we had set, but it demonstrated clearly a high degree of success in helping our teachers improve their skills and their effectiveness. Some schools had difficulty with the evaluation methods, particularly if they had little prior experience, but it appears that will be overcome with practice and familiarity, just as with any other academic undertaking.

I am proposing that we continue with the third and fourth year of the pilot projects in the sixteen school systems that are now in their second year. They have prepared their participating teachers for Career Level I, and a high percentage of them qualified, as expected. This year, these sixteen systems are moving forward to prepare for the next promotions to Career Level II, while at the same time making some necessary adjustments in Career I, based on last year's findings.

To validate the revised first year step of preparing for Career Level I, I propose that we add an additional twelve school systems to initiate the revised procedures from a fresh start. They will have the benefit of the research from the first sixteen, and will give us a much truer example of the adaptation of new schools to the revised program under more normal (that is non-experimental) conditions. They will bring a larger, more representative sample of new teachers starting afresh with the revised first year than would be likely among the new candidates available in the original sixteen pilot systems. Certainly, they should be allowed more flexibility and a lot less paperwork!

I am confident that we will have plenty of new school systems eager to become an early part of his bold, new concept offering promotions to outstanding teachers. Indeed, I am concerned that if we prolong the experimental steps without moving forward with the rest of North Carolina, great stress and pressures will build among those schools left behind and unable to offer the enhanced pay and promotions available in the pilot systems. Already, superintendents have told me that their non-pilot schools risk losing their best teachers to neighboring pilot systems, where they can qualify for promotions and better pay.

For that reason, and because I have full faith and confidence in the ability of our schools and teachers to generate the full potential of this program, I am proposing to begin in the second year of the biennium to move all the remaining 113 school systems in the first year of preparing their participating teachers to qualify for Career Level I. That would be the best way to provide another 5% better pay for the 95% or so who would qualify for this promotion. And it would surely break away from the status quo!

I propose that we go only just that far, withholding until the next budget cycle the decision whether to continue on to Levels II and III. The first sixteen pilots will have reached Career Level III, with their highest qualified teachers drawing salaries at that highest level in 1988-89. The twelve additional pilot systems will have completed the demonstration of their adaptation of the first year of preparation for Level I, giving us three full years of experience with that crucial first year of preparation, and I say let's move forward.

Failure to do so will only risk bogging down what ought to be the most dynamic improvement in our public schools since Governor Charles Brantley Aycock welded the State to public schools at the turn of the century.

Of course, there are some who would be timid, and wait, and wait, and wait. There are also some who have never wanted this career promotion concept to work, or even to be attempted, and who would argue for delay after delay, until we give up in despair.

I say: Let's go forward. Let's have the courage of our convictions and the total commitment to this major and well conceived reform to strengthen the most strategic educational resource for which we have responsibility: our classroom teachers.

Of all the good ideas that have been advanced for better schools, none has the tremendous prospect that this career ladder has for profoundly improving the output performance of our schools. Nothing will or can do more to raise the scholastic achievement of our elementary and secondary students than this commitment to reinvigorate the profession of classroom teacher.

Adoption of my budget will dramatically lock North Carolina into the most important boost in public support of public schools in eighty years. That will be our most lasting legacy. Even in a year of mild revenue growth, we will have shown that public schools are clearly our first priority. I call on you to join with me to make it so.

Building Schools

There is another monumental responsibility facing us and our schools. We are more than a billion dollars behind in school buildings all across North Carolina. For many years, we have depended upon County governments, with their traditionally limited tax base, to build the schools in our State. Some have done well, with modern facilities to which they can point with pride. Many other counties, however, have lacked the resources to meet their construction needs.

I ask you to join with me to authorize and promote a school bond issue, on the order of $1.5 billion, the amount to be based on a current survey of county commissions and their school boards. Proceeds from the sale of these bonds would be available to loan to counties at the States's most favorable interest rate, to share with them the advantage of our triple-A bond rating. Counties would pay back to the State over a 20-year period, using the proceeds from their current sales tax already allocated to public schools. In this way, the half-cent sales tax already earmarked for schools or for school debt service could finance as much as $1.5 billion.

This plan has strong, widespread support, including the State Associations of School Boards and of County Commissioners, and notably the State Treasurer and Superintendent, both of whom made great contributions to this bold and innovative proposal.

The key to it is the decision you made in recent years to allocate the proceeds from the local option sales tax on a per capita basis, thus providing each county the same revenue base per pupil. You should take credit for that feature.

It's your call whether to require a separate, local referendum, or you may want to authorize a local vote simultaneously with the state-wide issue. State Treasurer Boyles and I believe it's not required by the Constitution, and therefore don't propose it. The main thing is not to let that consideration be an excuse for the status quo.

This plan will get the job done; and it is affordable. It preserves the historic responsibility of counties for school buildings; yet it assists them in keeping this responsibility affordable. It means that we will be able to build now the schools that we need now, including those required for the expanded programs under the Basic Education Plan. It will be fiscally sound, because we will not risk paying the next future round of inflation, and won't have to wait so long to upgrade our communities, and can pay for the new schools as we go and use them.

It just makes such good sense, that I invite you and urge you every one to join with me to present to the people for their approval this timely plan to modernize our school buildings at the same time that we modernize the programs and strengthen the teaching that will be offered in them. If we are going to upgrade our educational system to prepare North Carolina for its future, then let us not undercut ourselves. Let us not defeat our own best efforts.

If you will join with me, together we can assure our people of the best system of public education in America, and assure that every community will have the school facilities to match those programs and to be worthy of those teachers. Then, every county will point with pride.

Governance

This Session is also the critical window of opportunity for making the State Superintendent appointive. The reason for doing this is to improve the line of responsibility and accountability. For that reason, if the appointive power is to be given to the State Board of Education, I urge you not to dilute that accountability by eroding the responsibility of the Governor to appoint the Board.

Four Pillars

Here, then, is my proposal for building four strong pillars under education. With your help, it can be done.

Prisons

Last year, I recommended to you a major expansion of our prison capacity, coupled with a variety of alternative punishments, such as intensively supervised probation and parole, to reduce the prison population. I wish to commend the legislative leadership for offering to work together with me in a bipartisan front to meet this emergency.

We have encountered some typical governmental delays, just as in the previous administration, and yet our Corrections Department has developed a number of steps that can help to expedite the facilities we need: metal or concrete buildings that are quicker and cheaper to build are suitable in many applications, and for conventional construction we propose to make repetitious use of a new design that has helped us move swiftly and "under budget" in meeting the South Piedmont consent decree.

We are now ready to move forward on those, and have recruited an experienced and professional contractor to "ride herd" on these projects, so that we will have the benefit of his business skills in driving construction projects to prompt completion.

Capital Improvements

North Carolina must meet other responsibilities. I am proposing major improvements for our two seaports, construction of a new Judicial Center and a Revenue Building, additional improvements at our college campuses, and $120 million in State and Federal money for a new fund to provide low-interest loans to local governments for water, sewer, and solid waste facilities. Capital improvements of $415 million can be financed primarily through appropriations, and partly ($77.5 million of it) through the "Two-thirds Bond" authority.

Environment

Protection of our fragile water resources is among the most vital challenges facing us. Consequently, I am asking for more environmental specialists, to handle the growing backlog of wastewater discharge permits; to monitor and evaluate groundwater quality; to reclassify coastal waters that are unsuited for shellfishing; and to locate leaking, underground storage tanks to be cleaned up. I am also requesting additional funding to improve our State Parks.

Pay Increase

Even in a tight budget year, we must not neglect to make some progress in improving pay for State employees. Based on January revenue estimates, I have shown that money is available, after major program improvements, to provide a four-and-a-half percent increase in compensation for school and State employees. Part of this should be devoted to across-the-board scale increase, to offset inflation, and part should be used for a round of performance increments.

Later on, if revised revenue estimates permit, you may find that an additional increment could be made available, in which case you will find that I would welcome you to

outbid me again. Our Office of State Personnel has prepared a new Pay Plan for your consideration, which will greatly improve the equity and the job security of our State workers.

Veto

The constitutional amendment to provide for the veto was quickly buried in the last Session, despite the strong popular support for this historic measure. This issue deserves full debate, and should be submitted to a referendum.

North Carolina should not continue to be the only State in America where the people have never been allowed to vote on whether to give their Governor the veto. How's that for status quo?!

Non-Partisan Judicial Election

There is also strong sentiment and logic favoring non-partisan election of judges. Let me suggest a useful distinction between trial judges and appellate judges that might help move this issue forward. Trial judges, those before whom you or I might stand in the courtroom, should be elected in their own districts in a non-partisan election, for both District Court and Superior Court judges. The time is ripe to act on that, and all but the most partisan among us should see the virtue of that reform.

For the Supreme Court and Court of Appeals, I propose that you authorize the Lieutenant Governor and the Speaker of the House of Representatives to join with me in appointing a bipartisan "Blue Ribbon Committee" of lawyers and non-lawyers to devise a plan for non-partisan election and meritorious selection. Judges on these Appellate Courts are not as well known in the local communities, and voters have so little to go on in the voting booth. This approach makes sense, and might help break the logjam.

Currently, partisan judicial elections are required by statute, but in truth hardly anyone wants them to be partisan. The people of North Carolina are much more interested, I believe, in having qualified, competent judges sitting on the bench, no matter what their political affiliation. There's a time to study and a time to act. This way, we could study one level while we act on the other before the Federal Courts decide it for us.

Abortions

In 1985, you approved some restrictions on State funding of elective abortions. Again, I will recommend that we discontinue paying for abortions where the pregnancy is not associated with a felony or a risk of death or serious physical injury to the mother.

Workfare

I am proposing additional increases in the "Workfare" Program, which assists families in breaking out of the cycle of poverty.

Legislative Reforms

Your leaders are to be commended for proposing reforms in the legislative process. In a spirit of harmony, I will simply say that anything you can do to open up the process--so that the public, the press, even the loyal opposition can examine legislation before it is voted on--will strike a blow for good government.

Unifying Themes

There are other such topics on which there may be dissension, and which ultimately will yield to majority wisdom. I will not parade them all out this evening. It has been my intention here mainly to emphasize those subjects on which there is a great potential for bipartisan agreement.

Those unifying themes need our strong support, and will take us further along on our journey toward the vision we share for North Carolina. North Carolina's future depends upon us, and upon our ability to overcome our differences and unite our efforts to build the brightest future for our people.

"Year of the Reader"

Each year, I have directed my administration to devote special emphasis to one unifying theme for the year. The "Year of the Child" in 1985 built upon a number of children's issues, including the Missing Children's Center, culminating in the hearings and report of the Governor's Commission on Child Victimization, chaired by our First Lady, and the creation of the North Carolina Fund for Children and Families.

The "Year of the Family," 1986, keyed many departmental programs to ways to strengthen the family as a self-supportive unit. Special attention was directed at innovations for breaking the cycle of poverty.

What special direction should we set for 1987? I propose that together we make this the "Year of the Reader," and pledge our special emphasis to the rescue of so many of our citizens from the anemia of functional illiteracy. Our Community Colleges have pioneered a strong remedial reading program offered in Adult Basic Education, yet it reaches no more than 6% of the potential population.

The State Library is working with the Department of Corrections to develop a remedial reading program for women inmates, especially those with children. Called "MotherRead," it will allow them to visit with and read to their children on weekends outside the prison, and we believe this will present a powerful motivation for learning to read.

At the same time, it is troubling that our schools are turning out a fresh crop of dropouts every year, to replenish the supply of illiterates faster than we can save them. Many of our school systems have made a special effort to reduce their dropout rates, some with notable success, such as Weldon, Pender, Currituck, Hertford, Pamlico, Mooresville, and Granville. Their results need to be emulated all across North Carolina. Already, sixty Literacy Councils have been organized locally.

Burlington Mills has a reading program for employees and their children. Charlotte businesses helped pioneer the exciting "Cities in Schools" program which other business leaders are planning to extend to Rocky Mount and two or three other cities.

One key to this will be how well we involve the strength of the people, by calling on them for help as tutors, in that same volunteer spirit that has made North Carolina great.

To pull all this together in a coordinated assault on illiteracy, I will ask the heads of these and other pertinent agencies and groups to serve on a new North Carolina Literacy Council, and I have asked former UNC President "Bill" Friday to serve as its first chairman. We must mount a sustained, nonpartisan effort if we are to succeed.

Preparation for our challenging and bright future depends upon a population of workers who are trained and trainable; who can read; who can read to learn because they have learned to read. What a tremendous challenge for North Carolina! Surely, you remember the national thrill that responded to President Kennedy's exciting call to greatness when he said, "We are going to the moon!" It was an enormously difficult task, but America did it. A courageous few Americans actually made it: "One giant step" for a precious few of us.

Would it not be a reachable and exciting goal for us to say: "We are going to read!" Could we make that simple challenge into a mighty and dedicated undertaking, but one which would seek to take all of our people along on the mission--to become readers?

If we fail, North Carolina will suffer more generations of inadequately prepared workers. And yet, if we succeed, it would truly be one giant step for a million of us. It is one of the most worthy objectives we could set for our State. I ask you to join with me to direct our minds and energies to solving this problem. Together, we can chart our course, and boldly proclaim on behalf of everyone in this one United State: "We are going to Read--all of us! We are going to learn to read!"

Thank you. And generations yet to come will thank you.

"North Carolina Is My Home"

In one of the most remarkable collaborative contributions to our contemporary culture, two brilliant North Carolina native sons, Charles Kuralt and Loonis McGlohon, have composed a splendid musical tribute entitled, "North Carolina Is My Home!" In its lyrics and in its melodies and rhythms, it captures the heritage and the natural splendor of this magnificent land of ours, its waters, its mountains, its cities and towns; and most of all, its people.

With a reverence for North Carolina, they have distilled the essence of a State "where the weak grow strong, and the strong grown great." They have used their considerable talents so effectively to remind us of who we are, and where we have come from. Along with a humorous conterpoint about how we named some of our places, they have reminded us, too, of how we named our noblest aspirations with a pledge to integrity in our State's Motto: *Esse Quam Videri*, "To be rather than to seem."

North Carolina is our home. We are truly blessed with all that North Carolina has to offer. A large part of that is a God-given natural resource--ours to enjoy and protect. A good part of it can be said to be a God-given human resource. That, too, is ours to enjoy, but also ours to build for future generations. We must make the most of our time and opportunities here. We must join together as representatives of this "one united state" to build that home.

There will always be issues and causes that divide us. There will be rivalries and the usual kinds of suspicions that one team has for another. There is, surely then, a time for partisanship, as when we compete for electoral trust and favor. That's healthy. Yet, there is just as surely a time for bipartisanship, when we must set aside partisanship to unite for the good of all of North Carolina.

Such a time is now; and the goals and objectives which I have addressed with you this evening are surely the issues around which we ought to unite. Education, transportation and vocation: schools for the future, roads to the future, and jobs of the future. Join with me, then, and let us build together those schools, those highways, those jobs, and that future--for what must become increasingly: one truly united State.

(March 31, 1987 - see Page 168)

REMARKS BY SENATOR KENNETH C. ROYALL, JR.
DEPUTY PRESIDENT *PRO TEMPORE*

Mr. President and fellow members of the Senate:

Thank you very much.

Gratitude most deeply felt is hardest to express. I am highly honored and very appreciative.

Members of the North Carolina Senate represent the type of solid citizens that we must have in order to advance the interest of our State and our Nation.

Your good will and support have played a vital part in whatever success I have achieved up to now. This expression of friendship will inspire me to better my service and widen my understanding of your wishes and desires.

I look forward to working with Lieutenant Governor Jordan and President *Pro Tempore* Harrington and with each of you in promoting the best interest of our State and its people.

Please accept my warmest personal thanks for this fine honor.

(May 25, 1987 - see Page 504)

REMARKS BY HILL CARROW PRESIDENT AND EXECUTIVE DIRECTOR OF NORTH CAROLINA AMATEUR SPORTS

Lieutenant Governor Jordan, Senators Staton and Royall, Members of the North Carolina Senate.

Today marks less than fifty days to go to the first day of competition in U. S. Olympic Festival '87 and already this legislative body has been tremendously helpful towards the success of the Festival. We have been able to raise probably 1.6 million dollars to meet the matching grant from this Body and we have added to that an additional $600,000. We are also fortunate to be able to reduce our operational expenses thanks to the assistance of the prison laundry services. The Torch, which Dr. Walker is about to present, is a token of appreciation which the 7,000 volunteers and staff have and the thousands of media, spectators, and athletes will have, for your outstanding support. Let the flame symbolize your belief in the future of North Carolina as represented by your great investment in U. S. Olympic Festival '87.

REMARKS BY DR. LEROY WALKER OF DURHAM CHAIRMAN OF THE BOARD OF NORTH CAROLINA AMATEUR SPORTS

Lieutenant Governor Jordan, and Members of the Senate.

As Hill indicated, those of us on the Board of Directors of the Festival are indeed appreciative of the support given by the General Assembly. In all of the years that we've attempted to bring outstanding events to our State, beginning in 1971 with the first Pan-African Meet, the purpose has been to bring people to our great State and to showcase it and even to have an economic impact. It is also very clear to us that we have to have the support of all the facets of the State and even more so for the Olympic Festival, as Hill just indicated, because we'll have over 300,000 people coming to our beautiful State and 2,500 athletes, and 1,500 media people. So even more so, it was important to have the support of all facets and when it was clearly in evidence by the support of the General Assembly, I think it set the tone for the kind of support that was imminent from business and industry and all of our other citizens.

The Torch that I hold is symbolic of the flame that is run from Mount Olympus to the awarded city for the Olympic Games. It is also symbolic of the Torch that is run from Pikes Peak for the Olympic Festival to our State in July. And so, in order to have a material presence of our great appreciation, it is my pleasure, Lieutenant Governor, to present this symbol of the Olympic Festival to you in deep appreciation of the Board of Directors of North Carolina Amateur Sports and all of those who are connected with it, and we hope that you will find some place in this august house to display it as a symbol of our thanks.

REMARKS BY LIEUTENANT GOVERNOR JORDAN ACCEPTING PRESENTATION UNITED STATES OLYMPIC FESTIVAL

Thank you Dr. Walker. You know, Dr. Walker and Mr. Carrow, we are all very proud of our State, but I think you make us even prouder with what you're doing and what you have done to bring this together. It's been an untiring effort on their part to make this a success.

And, yes, on behalf of the Members of the Senate, we do accept this with pride, but also note that you talked about 7,000 volunteers that will be working with you for the

Summer Olympics, and we know that that is just typical of the kind of things that go on in North Carolina; and I take pleasure in accepting this for the Members of the Senate and will turn it over to the Legislative Services under our President *Pro Tem* and ask them to find an appropriate place so that this can be shown with pride.

(May 28, 1987- see Page 557)

REMARKS BY SENATOR JAMES F. RICHARDSON
NORTH CAROLINA SENIOR GAMES

Mr. President, and members of the Senate, as you know the North Carolina Senior Games will be held in Raleigh, in October of 1987.

Many counties held local Senior Games, as we did in Mecklenburg County. One of the gentlemen from the Mecklenburg delegation, Senator Jim McDuffie, not only participated, but won not one, not two, not three, but six medals--four gold and two silver. The gold medals were won in golf, basketball, shot-put, and the football throw. The silver in the softball and discus-throw.

Will Senator McDuffie please stand and accept these medals being presented by Senator Hipps. Please join me in commending Senator McDuffie.

Thank you, and remember to support the North Carolina Senior Games.

(July 2, 1987 - see Page 756)

GEORGE W. LITTLE & ASSOCIATES, INC.
Insurance Consultants--Brokers

July 2, 1987

Senator Kenneth C. Royall, Jr.
Chairman, Select Committee
University Board of Governors
Room 300 LOB
Raleigh, North Carolina 27611

RE: University Board of Governors Nominating Committee

Dear Senator Royall:

I would like to withdraw my name as a nominee to the minority political position on the University Board of Governors.

Thanking you for your cooperation in this matter.

Sincerely,

S/George W. Little

cc: Senator Lawrence A. Cobb

677 S.W. Broad St.
P.O. Box 629
Southern Pines, North Carolina 28387
(919) 692-6881

(July 2, 1987 - see page 756)

OUTLINE OF PROCEDURES BY PRESIDENT OF THE SENATE UNIVERSITY BOARD OF GOVERNORS ELECTION

Special Order, University Board of Governors election.

Let me have the attention of the Members of the Senate. Listen closely because it might cost you your vote. Next order of business is the election of four members of the Board of Governors of the University of North Carolina. Under the Statute it is the duty of the Senate this year to elect to the Board, one Republican, and three at-large members all for four-year terms that began yesterday. You will receive ballots on which all the persons who have been nominated by the Joint Session in each of the two categories will be listed. I understand that all of the persons whose names appear on your ballot have consented to run. Is that correct Senator Royall?

The rules under which votes will be cast and counted and results declared is set out in **Senate Resolution 1554** and are as follows:

No nomination will be received from the floor.

In order to be chosen, a nominee must receive the votes of a majority of all the members present and voting for his category.

Each member present and voting shall vote for as many nominees as there are positions to be filled in each category and any ballot not so marked shall be deemed void as to that category.

When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a run-off shall be conducted between the person receiving the highest and the person receiving the second highest numbers of votes cast.

When fewer than three nominees in the four-year at-large category receive the votes of a majority of all the members present and voting for the positions in that category a run-off to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast and the number of nominees eligible to be voted on in the run-off shall be twice the number of positions to be filled. For example, if you only elect, if only one person gets the majority of the votes in the at-large position and you have two positions vacant then the four remaining top vote-getters will run-off for the two seats.

When more than three nominees in the four-year at-large category receive the votes of a majority of all the members present and voting for positions in that category then the three nominees receiving the highest number of votes shall be deemed to have been chosen. That means that if you have in the category where you have six nominees, if four people all receive a majority only the top three will be the winners without a run-off, even though a fourth person may have received more than a majority.

The Pages--Senator Royall. Senator Royall is recognized.

(Senator Royall responds as follows)

Mr. President, Senator Walker and Senator Harrington and I will deliver the ballots. I'd like to call to the attention--on the ballots it says, please circle the candidates of your choice. So if you would please follow that instruction on the ballot and then of course it tells you down at the bottom, you must sign the ballot. If there are any questions I'll be happy to answer them.

Lt. Governor Jordan:

Are there any questions before the ballots are distributed. If not Senators Royall, Walker and Harrington will distribute the ballots.

The Senators will now mark their ballots for the following:

One person in a Minority Party Category for a four-year term and three persons in the At-large Category for four-year terms. Again you are reminded that under the Senate Resolution you must vote for as many candidates as there are places to be filled in each category, otherwise your vote will not be counted for that category. You must also sign your ballot, otherwise it will not be counted. If your signature is illegible, you should print your name so we will know who you are, present party excluded.

Does anyone not have a ballot? Does anyone have two ballots?

The Chairman of the Senate Committee along with Senator Walker and Senator Harrington will canvass the vote -- collect the ballots, canvass the vote, and report the results. Once the ballots are counted and results are reported to the Chair, the ballots will then be deposited with the Principal Clerk and made available for public inspection.

(July 3, 1987 - see Page 762)

REMARKS OF SENATOR JAMES F. RICHARDSON TO THE PARTICIPATION OF SENATOR JAMES MCDUFFIE IN THE FIRST NATIONAL SENIOR OLYMPICS

Mr. President and Members of the Senate, I rise again to commend a Member of this Chamber for achievement. Approximately eighty-five North Caroliina citizens were in St. Louis, Missouri, from last Saturday until today competing with twenty-five hundred others in the First National Senior Olympics. Groups start at fifty-five years old. State qualifiers were invited to St. Louis to compete against thirty-five states and Puerto Rico. Senator Jim McDuffie, as I've told you before, my hero, has qualified in two events, golf and bowling. The two-day tournament was held at the Belvedere Country Club where the 1965 U.S. Open Professional Tournament was won by Gary Player with a one-over-par score. Out of thirty competitors, Senator McDuffie was in sixth place after the first round with a score of 83. After the second round of 82, he was tied for third with two other players. On the first extra hole, Senator McDuffie made a twenty foot putt to win the Bronze Medal.

In bowling, his 590, three-game set average of 196, he led the tournament up until Wednesday. The final results are now in. Our Senator finished second, winning the Silver Medal. Our Senator qualified for two events and won medals in both against competition from all over the country. If he could make legislation like he plays sports, he'd be a "hell'ova" Senator even if he can't walk very well. Thank you, Mr. President.

(August 14, 1987 - see Page 1008)

REMARKS BY LIEUTENANT GOVERNOR ROBERT B. JORDAN III

I want to thank all of the people who have been involved in this particular Session of the Senate. It has been a long one. I said on the opening day of the Session I welcome you to the 1987 Session of the Legislature. I hope, right now, I am welcoming you to the end of the Session!

I want to thank the Senate Principal Clerk and her staff. I want to thank Pat and all those who have been involved with the pages, Gerda and her staff, the fiscal research group, the bill drafting section, and the general research section, because everyone has worked hard. We have had some real moments where we have been crowded and had more to do than we could do but I think overall it has been a good Session and if I have anything that bothers me about the Session is that it lasted longer than we would have hoped for it to.

But as I told the press this morning, I think that if you look at the Session and look at the things we accomplished, it is very evident that when you open up the process it takes more people longer to make decisions than it does a few people and so I guess we should have anticipated that it would take longer because the appropriations process has certainly been more open and you have responded to that and both Parties, I think, have indicated that they are pleased with what has happened.

The exciting thing, I guess, that has happened about the Session and maybe that is culminated in some remarks made the other day by Jay Robinson. Jay told me, "I think that the Session of 1987 is one of the best," and then he qualified it. He said, "I think that it is probably the best session that education has ever had in North Carolina." And that's because of all of you, because of the work you have done.

As we opened the Session, I asked you to be sure that we not be happy with things the *status quo* -- that we not leave things as they are. That we needed to be sure that we controlled our own destiny rather than having people from the outside and that recalls for me, I guess, the time during the Session when all of a sudden we saw Burlington Industries being attacked. And while we didn't plan to do those kinds of things this Session, those of you here -- some taking the leadership roles saw to it that we had in this Session legislation enacted -- while it didn't totally protect Burlington, you did enact the toughest legislation in America for preventing hostile takeovers. And we are going to look at that in between Sessions and, hopefully, be sure we didn't do the wrong thing so that we can tune it up if we need to tune that up. But you did respond.

You dealt with a lot of issues. The opening day of the Session, I asked you to look at the Rural Economic Development Corporation, and look at the growth from within policy. The Governor's Blueprint and the Job and Economic Growth Commission came forth with a lot of suggestions. I put forth a lot of those from the Job and Economic Growth Commission before you. I asked you to look at the Rural Economic Development Corporation, at tax incentives and growth opportunity counties, at giving cities and towns across the State the opportunity to get more involved in economic development.

You passed I think every one of those. It has just been amazing as to what we have been able to accomplish.

In areas of education, we talked about funding the Basic Education Plan to be sure we continue that. I want to congratulate you because you now have funded the first four years of the, I think, one of the best programs in America for funding basic education. You are half-way through that eight-year program. Two hundred and sixty-some millions dollars in this year's budget for that.

You continued the Career Ladder Plan; you added to that the lead teacher pilots which I hope will strengthen the Career Ladder Plan. On top of that I asked you to look at increasing our ability to entice bright young students to go into education. You funded the Teaching Fellows Plan. The Teachers Preparation Program has also been begun and that's happened because of strong leadership from those of you in education and support of you all across the Senate.

You have done some other things that I think are very critical. You have reached out and come up with what I think is the best rewrite we have had in years, certainly since I have been in the Legislature, in the worker's compensation laws. Those weren't changes that hurt business. Those weren't changes that necessarily hurt the individuals that much but those were just changes of fairness. It was the kind of thing that should have happened to those laws to update them, to bring them, I guess, into tune with the things we should be doing here today.

You have formed the North Carolina Capital Corporation which is going to give the banks in this State the opportunity to see that they can take venture capital and get it out to the people who need it. The innovative leaders, innovative managers who can start new businesses.

Just today, we have signed into law or will sign into law the Venture Capital Fund. You just passed that a few minutes ago in the Senate, to provide tax incentive to those people who will furnish money for the North Carolina Capital Corporation.

You have passed, and which I hope we still have a chance to get out of the Senate the incentive bill to form -- the ethanol incentive bill, to try to get those industries to start to use some of the crops. It has not come back from the House at this point in time.

You have done some things for the environment. I asked you on opening day to pass the phosphate detergent ban. Not an easy thing to pass -- didn't solve all the problems--but you took the first step in making those things happen here in this Legislature that will help see that we continue to have clean water in North Carolina. You passed the Clean Water Loan and Grant Fund the other day in the appropriations bill. You passed the orphan dump bill, the toxic waste bill. And I could go on and on.

I just want to tell you all that to sit here now and to go back and look at what we started off to do in the beginning of the Session and to look at what you have done in salaries, you have increased teachers salaries thirty-seven percent in the last four years. This year, you were only able to do five percent but you put forty-seven million dollars to make the health insurance plan--keep it whole.

You have just done so many things, you probably provided more money per capita in one year than I can ever remember for the University System--sixty-some million dollars. Over a hundred million dollars already sent out to the University System for capital construction. You have just done the things and made the investments that is necessary to see that North Carolina keeps moving forward.

Yesterday at lunch I spoke to the Poultry Federation. I talked to them about the things that you have done. At the end the President of the Poultry Federation didn't talk much about eggs and chickens and turkeys and stuff. He said, "You know what we are proud of here is that the Legislature is making those investments in education. Because education and business environment are the kind of things that really make us be able to succeed here in North Carolina."

You have recognized that there are two North Carolinas--we talked about the urban area going one way and the rural area going another, and the urban members of this Senate supported the Rural Economic Development Corporation in growth opportunity counties and I congratulate you for it. Because it is a State of the Whole -- this is not a State of two separate entities.

Urban North Carolina got some advantages this year, but we have a lot of work to do. Urban North Carolina is going to continue to have to tell the story in this Legislature that it has specific problems that if the Legislature itself is not going to deal with it then we have to give them the tools to deal with it.

But it has just been one heck of a wonderful Session of the Legislature. I am proud of it; I think you should be proud of it. I thank everybody who had anything to do with it and congratulations to you all! Thank you.

RESOLUTIONS RECEIVED BY SENATE

The following resolutions are received from other legislative bodies:

SENATE OF PENNSYLVANIA

(Seal of the Commonwealth)
HARRISBURG, PA.
OFFICE OF THE SECRETARY

In the Senate, June 22, 1987

Whereas, The sister city-state concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact; and

Whereas, All succeeding United States Presidents have endorsed this program conducted for the broad purpose of exchanging ideas between the citizens of the Commonwealth of Pennsylvania and the United States and the peoples of other nations; and

Whereas, The people of Taiwan, like the people of the Commonwealth of Pennsylvania and of the United States generally, have overcome great adversity and have built a successful, prosperous free economy; and

Whereas, The Republic of China has been one of the most faithful allies of the United States since 1941; and

Whereas, Strong commercial ties now exist between the citizens of the Province of Taiwan and the citizens of the Commonwealth of Pennsylvania; and

Whereas, The people-to-people program initiated by President Eisenhower in 1956 and endorsed by President Kennedy in 1961 was designed to bring the people of the world closer together in the interest of peace and prosperity; and

Whereas, A sister-state relationship between Taiwan and Pennsylvania is in the best interest of a cooperative relationship between the two states involved; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania, on behalf of the people of the Commonwealth of Pennsylvania, extend to the people of Taiwan, through the Provincial Assembly of Taiwan, an invitation to join with Pennsylvania as a sister state, and as such to conduct mutually beneficial social, economic, educational and cultural programs to bring our citizens closer together and strengthen international understanding and goodwill; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of Taiwan; to the Speaker of the Provincial Assembly of Taiwan; to the President of the Legislative Yuan; to the Undersecretary of Commerce of the United States Department of Commerce, acting in the capacity of Administrator of the International Trade Administration of the United States Department of Commerce; to the Governor of Pennsylvania; to each member of Congress from the Commonwealth of Pennsylvania; and to the presiding officers of the legislative houses of the other states of the United States.

I certify that the foregoing is a true and correct copy of Senate Concurrent Resolution Serial No. 83, introduced by Senators William J. Moore, Patrick J. Stapleton, Robert C. Jubelirer, Ralph W. Hess, Robert J. Mellow, John Stauffer, Noah W. Wenger, J. William Lincoln, F. Joseph Loeper, Edward P. Zemprelli and Roy W. Wilt, and adopted by the Senate of the Commonwealth of Pennsylvania the ninth day of June, and concurred in by the House of Representatives the seventeenth day

of June, in the year of our Lord, one thousand nine hundred and eighty-seven, and of the Commonwealth the two hundred and eleventh.

S/Mark R. Corrigan
Secretary,
(Seal of the Senate) *State of Pennsylvania*

THE STATE OF WISCONSIN

(Seal of the State)

1987 Assembly Joint Resolution 27

ENROLLED JOINT RESOLUTION

Ratifying an amendment to the constitution of the United States pertaining to the effective date for congressional pay changes.

Whereas, the congress of the United States has submitted to the several states, by action of the house of representatives on September 24, 1789, and by action of the United States senate on September 15, 1789, a proposed amendment to the constitution of the United States pertaining to the effective date for congressional pay changes, which amendment reads as follows:

No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Whereas, while the congress of the United States has the power to impose reasonable time limits for the ratification of proposed amendments to the constitution of the United States, and has done so for many of the amendments submitted to the states in recent decades, the congress did not impose any time limit whatsoever on the ratification of the congressional pay change amendment; and

Whereas, the congressional pay change amendment was validly ratified by the state of Vermont on November 3, 1791, even though Vermont had not been one of the original 13 states to which the proposed amendment had been submitted, and had not yet achieved statehood when the amendment was submitted; and

Whereas, by the act of congress dated May 29, 1848 (9 U.S. Stats., Ch. L, pp. 233-235), "for the Admission of the State of Wisconsin into the Union", this state was...."admitted into the Union on an equal footing with the original States, in all respects whatever"....; and

Whereas, almost 26 years following the admission of the state of Wisconsin into the union the state of Ohio, on May 6, 1873, became the 7th state to ratify the congressional pay change amendment. A century later, on March 6, 1978, Wyoming submitted the 8th ratification. Maine ratified on April 27, 1983; Colorado on April 22, 1984. Five states ratified the amendment in 1985: South Dakota in February; New Hampshire on March 7; Arizona on April 3; Tennessee on May 28 and Oklahoma on July 10. Three more ratifications -- bringing the total number to 18 -- were received in February 1986: New Mexico on the 14th; Indiana on the 24th; and Utah on the 25th; and

Whereas, the people of the sovereign state of Wisconsin, represented in senate and assembly, have studied said proposed addition to the constitution of the United States and it is their consensus that the federal government, three-fourths of the states concurring, be directed to thus alter the constitution of the United States; now, therefore, be it

Resolved by the assembly, the senate concurring, That the said proposed congressional pay change amendment to the constitution of the United States is hereby ratified by the legislature of the state of Wisconsin; and, be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to the office of the federal register, to the library of congress, to each member of the congressional delegation from this state, to the national conference of state legislatures, to the council of state governments, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution by the 1987 legislature of the state of Wisconsin.

S/Fred A. Risser
President of the Senate

S/Thomas A. Loftus
Speaker of the Assembly

July 15, 1987

S/Thomas T. Melvin
Assembly Chief Clerk

NEVADA LEGISLATURE

(Transmitted by the Honorable Janice L. Thomas, Secretary of the Senate, on May 11, 1987.)

Senate Concurrent Resolution No. 27--Senators Hickey, Beyer, Coffin, Gibson, Horn, Jacobsen, Joerg, Jones, Malone, Mello, Neal, O'Connell, O'Donnell, Raggio, Rawson, Redelsperger, Rhoads, Shaffer, Townsend, Vergiels and Wagner

FILE NUMBER 77

SENATE CONCURRENT RESOLUTION--Declaring August 13, 1987, as Senior Citizens' Day in Nevada.

WHEREAS, it is with special affection that the Legislature of the State of Nevada recognizes its older residents; and

WHEREAS, it is especially appropriate that we analyze the needs of elderly Nevadans because for many, daily living on fixed incomes has become particularly burdensome; and

WHEREAS, the elderly have contributed to this state, to our towns and cities, and to our families for years, yet they are very often the most neglected and ignored group of persons living today; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Nevada Legislature is proud to declare August 13, 1987, as Senior Citizens' Day in the State of Nevada; and be it further

RESOLVED, That the Legislature urges friends or relatives of elderly persons to do something special for these aging persons to show them appreciation and love while the opportunity exists; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Secretary of the Senate to every Legislature in the United States; and be it further

RESOLVED, That Legislatures across America are urged to join this body in recognition of senior citizens.

1987

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor	Robert B. Jordan III
Legal Counsel	John B. McMillan
Senior Staff Advisor	John A. Williams, Jr.
Director of Communications	Brenda Summers
Special Assistant	Rachel Havnaer
Administrative Assistants	
Constituent Affairs	Wayne Lofton
Executive	John Crumpler
Policy	Laura C. Bingham
Staff Assistant for Constituent Communications	Ellen Stainback
Staff Assistants	Pearl J. Holland
	Evelyn Saunders *
	Betty S. Taylor *
Office Manager	Joan R. Hardison
North Carolina Commission on Jobs and Economic Growth	
Director	Billy Ray Hall
Administrative Assistant	Judy Britt
Projects Coordinator	Lulane Chasteen

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President Pro Tempore	J. J. Harrington
Administrative Assistant	Joan R. Leatherman

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Administrative Assistant	Barbara R. Richardson
Calendar Clerk	Emma E. "Bill" Farrow
Assistant Calendar Clerks	Joyce Bunn
	George Nixon
	"Marge" Hissett
Journal Clerk	Sandra P. Brown
Assistant Journal Clerks	Emily Andrews
	Mark Black
	Gayle Lemmond *
	Pat Massing
	June Simpkins
	Linda Stephenson

READING CLERK

LeRoy Clark

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Deputy Sergeant-at-Arms	Royster Baker
Assistants	Rodney Baker
	Amy Barnes
	Henry Copley
	Betty Cox
	Martha Dunn
	Steve Epstein
	"Missy" Griffin
	Jimmy Hight
	Rob Lennon
	Kenneth Moore
	Jack Mueller
	Britt Musselwhite
	Robert Pleasants
	Hubert Poole
	Jesse Rice
	Mark Sigmon
	Susan Thomason
	Christy Wilkins
	Turner Williams

SECRETARIES

Supervisor	Jean F. Thompson

Name	*Senator*	*Clerk of Committee*
Adams, Korney	Warren	Education
Allen, Doris	Parnell	Insurance
Andrews, Dorothy *		
Ausburn, Linda *	Hunt of Moore	Local Government and Regional Affairs II
Avent, Irma	Richardson	Veterans Affairs and Senior Citizens
Barnes, Sybil	Kaplan	Election Laws
Batchelor, Jerry	Staton	Economic Growth
Bell, Jane	Block	
Blankenship, Becky	Shaw	
Bullard, Bernice		
Cate, Diane *		
Coley, Mona *	Hunt of Durham	Pensions and Retirement
Cone, Janice *	Ezzell	Local Government and Regional Affairs I
Cooper, Hazel	Thomas	Appropriations General Government
Cox, Betty *		
Davis, Betsy	Somers	
Durham, Margaret	McDuffie	
Floyd, Sue	Rauch	Finance
Foster, Lisa	Martin of Guilford	Higher Education
Fussell, Beth *		
Goldston, Beverly *		
Gooden, Carolyn	Swain	Judiciary III
Hagerty, Betty *		
Hall, Yvonne	Smith	
Hogan, Peggy Ann	Sands	
Holbrook, Dorothy		

SECRETARIES (continued)

Name	*Senator*	*Clerk of Committee*
House, Pat	Ward	Appropriations Education
Howell, Mary	Walker	Appropriations/ Human Resources
Hurley, Mary *	Hunt of Moore	Local Government and Regional Affairs II
Jacobi, Marianne	Tally	Natural and Economic Resources and Wildlife
Johns, Ellen	Hardison	Commerce
Johnson, Gerry	Redman * Bryan *	Minority Leader
Jordan, Martha	Simpson	
Lambert, Ann	Rand	Base Budget Majority Leader
Leatherman, Joan	Harrington	Rules and Operation of the Senate President Pro Tempore
Lee, Jonnie *	Basnight	Appropriations Natural and Economic Resources
Long, Sarah	Allran	
Misner, Pat	Plyler	Appropriations
Murphy, Sarah	Conder	Children and Youth Board of Community Colleges
Murray, Claudia	Speed	Agriculture
Myers, Elaine	Goldston	Transportation
Newsome, Loraine *		
Phelps, Susan *	Hipps	Constitution
Poerschke, Katherine *	Ezzell	Local Government and Regional Affairs I
Porter, Phyllis	Kincaid	
Provost, Charlotte	Barker	
Pruitt, Janet	Harris	Human Resources
Pulley, Algina *	Hunt of Durham	Pensions and Retirement
Puryear, Janet	Soles	Judiciary IV
Puryear, Mary	Martin of Pitt	Manufacturing and Labor
Reavis, Betsy Anne *	Ezzell	Local Government and Regional Affairs I
Sawyer, Donna *	Basnight	Appropriations Natural and Economic Resources
Sasser, Sarah Anne *		
Senter, Hellon		
Shaw, Carolyn *	Winner	Environment
Shull, Wendy *	Taft	State Personnel
Simpkins, Bettie	Barnes	Judiciary I
Sinclair, Mary	Johnson of Wake	Judiciary II
Sowell, Constance *	Winner	Environment
Spencer, Joan	Royall	Ways and Means University Board of Governors Deputy President Pro Tempore
Taylor, Eleanor	Sherron	
Tyree, Lois	Cobb	Minority Leader
Tyson, Mary	Marvin	Appropriations Justice and Public Safety
Wadford, Kim *	Taft	State Personnel
Williams, Carolyn	Guy	State Government

SECRETARIES (continued)

Name	*Senator*	*Clerk of Committee*
Williams, Penny	Seymour	Alcoholic Beverage Control
Williams, Sylvia *	Hipps	Constitution
Wilson, Nancy	Johnson of Cabarrus	
Wood, Betty	Daniel	

* (Served for a portion of the 1987 Session)

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Senator A. P. Sands III
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Senator Daniel R. Simpson
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BARKER, William H. (Bill)-Senator Carteret, Craven, Pamlico-3rd District
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Co-Sponsor ..... 32, 35, 55, 69, 73, 74, 82, 110, 113, 133, 149, 156, 157, 164, 172, 174, 183, 184, 185, 196, 198, 199, 209, 217, 223, 226, 227, 228, 233, 283, 292, 317, 326, 357, 365, 371, 388, 391, 392, 396, 425, 470, 471, 480, 481, 600, 657, 692, 709, 738, 743, 749, 756, 771, 831, 838, 870, 881, 883, 884, 936, 937, 1029, 1170, 1555.

BARNES, Henson P.-Senator Greene, Wayne-8th District
Absent With Leave ..... 378, 618, 648, 862.
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BARNES, Henson P.-Senator (continued)
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BASNIGHT, Marc-Senator Beaufort (part), Bertie (part), Camden, Chowan, Currituck, Dare, Gates (part), Hyde, Pasquotank, Perquimans, Tyrrell, Washington-1st District
Absent With Leave ..... 800, 890.
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BATTERED SPOUSE—see **Married Persons** (Domestic Violence)
BEACH—see **Natural and Economic Resources**
BEACH PLAN—see **Insurance**
BEAR HUNTING—see **Natural and Economic Resources** (Wildlife)
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—District 9—Senator Thomas F. Taft
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Bear Hunting Permitted
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Civic Center Landscaping/Programs
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Emergency Services Funds
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Fire Department Funds
S 1354 (Appr Com/see H 1515-Ch. 830) ..... 560.
Forest Headquarters
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Fox Hunting
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Rescue Squads Funds
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Washington/Beaufort Civic Center Landscaping Programs
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Washington Chamber Tourism/Economic Development
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BENNETT, HUGH HAMMOND—Memorializing
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BERTIE COUNTY—District 1—Senator Marc Basnight
—District 2—Senator J. J. Harrington
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Shelby Natural Gas Purchases
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BLADEN COUNTY—District 18—Senator R. C. Soles, Jr.
Bladen Lakes Forest
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BLIND, AID TO [G.S. 111]**—see Handicapped** (Visually Impaired)
BLUE RIDGE ABC PERMITS—see Alcoholic Beverage Control
BLOCK, Franklin L.(Frank)-Senator **New Hanover, Pender (part)-7th District**
Absent With Leave ..... 205, 210, 215.
Adjournment Motion-Second ..... 146, 388, 394.

BLOCK, Franklin L.(Frank)-Senator (continued)
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Committee Assignments ..... 15, 16, 17, 21, 22, 24.
Standing—
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Co-Sponsor ..... 18, 35, 55, 65, 72, 73, 110, 113, 133, 156, 164, 183, 192, 196, 198, 199, 209, 216, 233, 262, 292, 296, 317, 326, 340, 363, 364, 371, 480, 481, 558, 559, 560, 561, 692, 738, 746, 747, 748, 881, 882, 1029, 1229, 1328, 1555.
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Jobs and Growth Commission, Extended
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Lake Wylie Marine Commission Established
H 744 (Ch. 683) ..... 551, 810, 822, 831, 862.
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BOATS—see **Natural and Economic Resources**
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S 758 (H Fin Com) ..... 326, 710, 719, 726.
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S 791 (Ch. 766) ..... 338, 426, 443, 453, 934, 941, 949.
Arts Council Funds
S 1036 (Appr Com/see H 1515-Ch. 830) ..... 490.
Danieltown Fire Department Charter Repeal
S 27 (Ch. 431) ..... 34, 454, 464, 696, 702.
Lake Lure Charter Consolidated
H 282 (Ch. 194) ..... 224, 396, 409, 417, 425.
Rutherfordton Annexation
H 552 (Ch. 168) ..... 308, 348, 360, 370, 388.
Vocational Workshop Funds
S 1039 (Appr Com/see H 1515-Ch. 830) ..... 490.

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SAFE—see **Married Persons** (Family Violence)
SAFE DRIVER INSURANCE PLAN—see **Insurance; Motor Vehicles**
SAFE ROADS ACT—see **Motor Vehicles**
SAILBOATS—see **Natural and Economic Resources** (Boats)
SALARIES AND FEES [G.S. 138]
—see also **Appropriations** (Budget); **State Personnel** (Salaries)
Deferred Compensation Tax Exemption
S 493 (reref W&M Com) ..... 233, 543.
Differentiated Pay/School Employee
S 369 (reref Appr Com) ..... 208, 488.
Garnish Wages for Hospital Debt
S 661 (Cal June 2, 1988) ..... 271, 367, 386, 392, 991, 1011.
Minimum Wage Increase, Conditional
H 229 (Ch. 79) ..... 176, 227, 257, 261.
School Central Payroll/Uniform Reporting
H 1011 (Ch. 414) ..... 556, 643, 652, 682.
SALES—see **Commerce and Business**
SALES TAX—see **Taxation**
SALVAGE VEHICLE—see **Motor Vehicle** (Registration)

SAMPSON COUNTY—District 15—Senator Robert D. Warren
Clinton
School Funds
S 1048 (Appr Com/see H 1515-Ch. 830) ..... 491.
Zoning Notice
H 896 (Ch. 339) ..... 510, 628, 635, 642.
Clinton/Sampson Agri-civic Center Funds
S 1043 (Appr Com/see H 1515-Ch. 830) ..... 491.
Community Theater Funds
S 1045 (Appr Com/see H 1515-Ch. 830) ..... 491.
Economic Development
S 407 (Ch. 203) ..... 218, 299, 308, 331, 435.
National Guard Armory Funds
S 1189 (Appr Com) ..... 527.
Mingo Community Building Maintenance Funds
S 1455 (Appr Com/see H 1515-Ch. 830) ..... 570.
Outreach Day-Care Funds
S 1044 (Appr Com/see H 1515-Ch. 830) ..... 491.
Salemburg Improvements Funds
S 1190 (Appr Com) ..... 527.
School's Art Enrichment Funds
S 1047 (Appr Com/see H 1515-Ch. 830) ..... 491.
Technical College Funds
S 1015 (Appr Com) ..... 478.
Turkey Town Improvements
S 1093 (Appr Com/see H 1515-Ch. 830) ..... 508.
SANDHILLS FIELD TRIAL AREA
—see **Natural and Economic Resources** (Wildlife)
SANDS III, A.P.-Senator Alleghany, Ashe, **Rockingham**, Stokes, Surry, Watauga-**24th District**
Absent With Leave ..... 125, 316, 320, 378, 857, 896, 900, 922.
Adjournment Motion-Second ..... 177, 347.
Certificate of Election ..... 6.
Committee Assignments ..... 15, 16, 21, 22, 23, 24.
Standing-
Judiciary III (Vice-Chairman)
Appropriations—Appropriations on General Government—Base Budget—Local Government and Regional Affairs II—Manufacturing and Labor—State Personnel—Transportation—Veterans Affairs and Senior Citizens
Conference-
S 172 ..... 795, 888.
S 423 ..... 878, 915.
S 777 ..... 891, 954.
H 137 ..... 488, 892.
H 761 ..... 721, 783.
H 927 ..... 878, 880.
H 1208 ..... 877, 974.
Oath of Office ..... 6.
Votes Excused-
H 306 ..... 727, 751.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 55, 183, 423, 452, 536, 567, 568, 576, 587, 588, 589, 590, 591, 612, 679, 707, 737, 765, 789, 1300, 1527.

SANDS III, A.P.-Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor ..... 35, 65, 110, 113, 133, 156, 157, 163, 172, 173, 174, 192, 196, 198, 199, 209, 212, 224, 233, 236, 247, 248, 249, 250, 251, 252, 292, 296, 317, 326, 371, 388, 391, 396, 481, 601, 692, 738, 743, 746, 747, 748, 882, 888, 936, 937, 1029, 1193, 1194, 1195, 1301, 1302, 1303, 1304, 1305, 1325, 1326, 1555.
SANITARIANS [G.S. 90A]—see **Public Health**
SANITARY DISTRICTS—see **Public Health**
SAT (SCHOLASTIC APPTITUDE TEST)—see **Education**
SATELLITE COURTS—see **Studies** (LRC-Superior/District)
SAUNDERS, WILLIAM PRESTON—Memorializing Former Senator
S 67 (Res. 10) ..... 49, 125, 130, 132.
SAVINGS AND LOAN [G.S. 54B]—see **Banks**
SBI (STATE BUREAU OF INVESTIGATION)
—see **Judicial Department** (SBI)
SCHOLARSHIPS—see **Higher Education**
SCHOOL BUS—see **Motor Vehicles** (School Bus)
SCHOOLS—see **Education**
SCIENCE AND MATH SCHOOL—see **Higher Education**
SCOTLAND COUNTY—District 17—Senator J. Richard Conder
Senator Aaron W. Plyler
Literacy Funds
S 1388 (Appr Com/see H 1515-Ch. 830) ..... 564.
Maxton Day-Care Funds
S 1110 (Appr Com/see H 1515-Ch. 830) ..... 520.
Sandhills Game Lands/No Check Station
S 91 (N&ER&W Com) ..... 68.
Stadium/Civic Center Private Sale
S 153 (Loc Gov II Com) ..... 94.
H 239 (Ch. 57) ..... 127, 188, 197, 202.
Youth Job Program Funds
S 1228 (Appr Com/see H 1515-Ch. 830) ..... 531.
SDIP (SAFE DRIVER INSURANCE PLAN)
—see **Insurance; Motor Vehicles**
SEAFOOD—see **Natural and Economic Resources** (Fish)
SEAPORTS
—see **Natural and Economic Resources; Commerce and Business** (Ports)
SEAT BELTS—see **Motor Vehicles** (Seat Belt)
SECOND INJURY FUND—see **Workers Compensation**
SECONDARY ROADS—see **Transportation** (Roads and Highways)
SECRET SOCIETIES—see **Criminal Law** (SBI)
SECRETARY OF STATE—see **State Officers**
SECURITIES [G.S. 78A]—see also **Commerce and Business**
Capital Resource Corporation, N.C.
S 217 (Ch. 852) ..... 140, 218, 518, 635, 913, 929, 1002, 1018.
Investment Advisors Act, N.C.
H 1237 (Held/Rule 41b) ..... 1002.
License Fees Increased
H 1236 (Ch. 566) ..... 510, 751, 760, 766, 773.
Securities Act Improvements
H 975 (Ch. 849) ..... 462, 632, 646, 707, 987, 996, 1000.
SECURITY OFFICER—see **Law Enforcement**
SELF INSURANCE—see **Insurance**
SENATE—see **General Assembly;** Subject Matter

SENATE RESOLUTIONS—see **Resolutions, Senate** (Simple)
SENATORIAL DISTRICTS ..... 3, 5, 6. 1027.
SENIOR CITIZENS—see **Aged**
SENIOR GAMES FUNDS—see **Aged**
SENTENCING—see **Criminal Procedure**
SEPARATION OF POWERS—see **State Officers**
SEPTAGE—see **Public Health** (Water and Sewer)
SEPTIC TANKS—see **Public Health** (Waste)
SETOFF DEBT [G.S. 105A]
SEWER—see **Public Health** (Waste)
SEXUAL OFFENSE
—see **Child Welfare; Criminal Law; Criminal Procedure**
SEYMOUR, Mary P.-Senator **Guilford** (part)-**32nd District**
Absent With Leave ..... 50, 53, 198, 205, 337, 648, 857.
Adjournment Motion-Second ..... 173, 355.
Certificate of Election ..... 6.
Committee Assignments ..... 15, 16, 17, 18, 19, 21, 23.
Standing-
Alcoholic Beverage Control (Chairman)
Appropriations—Appropriations on General Government—Base Budget—Commerce—Economic Growth—Election Laws—Insurance—Judiciary I—State Government
Conference-
H 727 ..... 721, 789.
H 785 ..... 919, 1005.
H 1008 ..... 822.
H 1158 ..... 958, 1010.
Oath of Office ..... 6.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 163, 194, 199, 276, 329, 430, 431, 432, 565, 566, 581, 582, 655, 671, 769, 791, 792, 838, 891, 905, 906, 910, 921, 922, 945, 946, 947, 1488.
Co-Sponsor ..... 12, 35, 51, 57, 58, 62, 63, 95, 110, 133, 149, 156, 157, 164, 182, 183, 192, 193, 196, 204, 209, 216, 236, 247, 248, 249, 250, 251, 252, 292, 296, 317, 326, 372, 396, 471, 481, 488, 523, 601, 624, 692, 718, 737, 738, 745, 819, 846, 882, 883, 888, 902, 936, 937, 948, 1029, 1075, 1142, 1555.
SHAD BOAT—see **State Emblems**
SHADED VEHICLE WINDOW—see **Motor Vehicles** (Window Darkening)
SHAKESPEARE FESTIVAL—see **Arts** (Drama)
SHALLOW LAND BURIAL BAN—see **Public Health** (Hazardous Waste)
SHAREHOLDER PROTECTION—see **Corporations**
SHAW, Robert G.-Senator **Forsyth** (part), **Guilford** (part)-**19th District**
Absent With Leave ..... 337, 347, 932.
Adjournment Motion-Second ..... 76, 653, 820, 982.
Certificate of Election ..... 6.
Committee Assignments ..... 15, 16, 17, 19, 22.
Standing-
Agriculture—Children and Youth—Commerce—Finance—Local Government and Regional Affairs I—Natural and Economic Resources and Wildlife
Conference-
S 781 ..... 911, 976.
Oath of Office ..... 6.

SHAW, Robert G.-Senator (continued)
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 96, 322, 334, 694.
Co-Sponsor ..... 25, 26, 95, 149, 163, 182, 194, 196, 199, 262, 296, 326, 340, 363, 364, 371, 396, 456, 558, 559, 560, 561, 601,624, 655, 743, 819, 838, 847, 902, 1555.

SHELLEY'S CASE RULE—see **Estates**

SHELLFISH—see **Natural and Economic Resources** (Wildlife)

SHELTERED WORKSHOP—see **Mental Health**

SHERIFF [G.S. 162]—see **LAW ENFORCEMENT**

SHERIFF TRAINING [G.S. 17E]

SHERRON, J.K.-Senator Harnett, Lee, Wake (part)-**14th District**
Absent With Leave ..... 48, 777, 881.
Adjournment Motion-Second ..... 97, 700, 861.
Certificate of Election ..... 6.
Committee Assignments ..... 19, 21, 22, 23, 24, 52.
Standing-
State Personnel (Vice-Chairman)
Agriculture—Finance—Judiciary III—Local Government and Regional Affairs I—Natural and Economic Resources and Wildlife—Pensions and Retirement—Transportation—Veterans Affairs and Senior Citizens
Conference-
S 412 ..... 907.
S 781 ..... 911, 976.
Oath of Office ..... 6.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 126, 136, 283, 356, 357, 365, 373, 410, 411, 412, 514, 515, 516, 683, 684, 703, 704, 867, 880, 934, 1250, 1251, 1252, 1253, 1254, 1255, 1318, 1359, 1368, 1369, 1397, 1409, 1410, 1411, 1412, 1472.
Co-Sponsor ..... 32, 35, 51, 62, 110, 119, 128, 130, 131, 133, 156, 170, 171, 172, 173, 174, 179, 184, 185, 192, 196, 198, 199, 206, 207, 208, 209, 226, 233, 239, 240, 242, 243, 244, 245, 246, 306, 317, 326, 340, 363, 364, 371, 388, 391, 396, 405, 558, 559, 560, 561, 692, 702, 738, 743, 745, 749, 874, 883, 901, 965, 1003, 1029, 1234, 1237, 1246, 1358, 1555.

SHOPLIFTING—see **Criminal Law**

SHOPPER'S GUIDE—see **Publications**

SICK LEAVE—see **Retirement** (Teachers and State Employees)

SICKLE CELL DISEASE
Association Funds
S 380 (Appr Com/see H 1515-Ch. 830) ..... 211.
Charlotte Funds
S 1106 (Appr Com/see H 1515-Ch. 830) ..... 519.
Cumberland Sickle Cell Program Funds
S 986 (Appr Com/see H 1515-Ch. 830) ..... 475.
Program Change
H 576 (Ch. 822) ..... 273, 590, 969, 977, 992.
Southeastern Sickle Cell Funds
S 1417 (Appr Com/see H 1515-Ch. 830) ..... 566.
Triad Sickle Cell Funds
S 1145 (Appr Com/see H 1515-Ch. 830) ..... 523.

SIGNATURES [G.S. 22A]
SIMPSON, Daniel Reid-Senator Avery, **Burke**, Caldwell, Mitchell, Wilkes-**27th District**
Absent With Leave ..... 31, 34, 316, 320, 378.
Adjournment Motion-Second ..... 762, 800.
Certificate of Election ..... 6.
Committee Assignments ..... 15, 16, 18, 21, 22, 23.
Standing-
Appropriations—Appropriations on Education—Base Budget—Education—Judiciary IV—Local Government and Regional Affairs II—Natural and Economic Resources and Wildlife—State Government—State Personnel
Conference-
S 409 ..... 906.
H 77 ..... 515, 671.
H 537 ..... 736, 751, 752.
Oath of Office ..... 6.
Vote Recorded—H 231 ..... 735.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 92, 118, 135, 141, 142, 218, 232, 259, 273, 451, 562, 615, 667, 774.
Co-Sponsor ..... 28, 62, 65,84, 96, 98, 99, 139, 149, 196, 419, 456, 531, 601, 611, 640, 743, 883, 936, 1249, 1555.
SINE DIE ADJOURNMENT—see **General Assembly**
SINGLE-MEMBER DISTRICTS—see **Elections**
SITING CRITERIA—see **Public Health** (Hazardous Waste)
65 MPH—see **Transportation** (Roads and Highways)
SKIER SAFETY [G.S. 99C]
Water Skiing/Sunset-to-Sunrise
S 273 (tabled) ..... 179, 192, 203, 226.
SLAVERY—see **Criminal Law**
SLOT MACHINES—see **Criminal Law**
SMALL BUSINESS—see **Commerce and Business**
SMALL CLAIMS—see **Judicial Department**
SMITH, MICHAEL—Memorializing Astronaut
H 313 (Res. 29) ..... 573, 634, 642, 652.
SMITH, Paul S.-Senator Davidson, Davie, **Rowan-23rd District**
Absent With Leave ..... 97, 115, 125, 320, 687, 830, 834, 841, 890.
Adjournment Motion-Second ..... 79, 666, 762, 829.
Appointment-
Legislative Ethics Committee ..... 53.
Certificate of Election ..... 6.
Committee Assignments ..... 14, 15, 16, 18, 19, 20, 21, 22, 23, 24.
Standing-
Commerce (Vice-Chairman)
Alcoholic Beverage Control—Appropriations—Appropriations on Human Resources—Base Budget—Economic Growth—Finance—Higher Education—Human Resources—Insurance—Manufacturing and Labor—Rules and Operation of the Senate—State Government—Ways and Means
Conference-
S 172 ..... 795, 888.
S 466 ..... 899.
S 944 ..... 942, 959.
H 71 ..... 377, 395.

SMITH, Paul S.-Senator (continued)
Committee Assignments (continued)
Conference (continued)
H 466 ..... 845.
H 785 ..... 919, 1005.
H 970 ..... 855.
H 1158 ..... 958, 1010.
Select-
University Board of Governors ..... 25.
Minority Whip of the Senate ..... 13.
Oath of Office ..... 6.
Vote Recorded—H 231 ..... 735.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 24, 83, 85, 125, 181, 187, 263, 300, 301, 302, 313, 434, 517, 518, 519, 535, 963, 994, 1319.
Co-Sponsor ..... 12, 28, 52, 62, 63, 95, 96, 98, 99, 126, 135, 149, 154, 155, 163, 189, 190, 212, 226, 262, 283, 285, 296, 307, 326, 345, 371, 391, 396, 397, 401, 456, 470, 471, 554, 555, 624, 684, 702, 710, 743, 805, 818, 826, 844, 868, 890, 904, 957, 1029, 1298, 1555.

SNOW DAY—see **Education; Inclement Weather; State Personnel**

SOCCER FIELDS—see **Education** (Extracurricular); Individual County

SOCIAL SECURITY—see **Human Resources**

SOCIAL SERVICES [G.S. 108A]
AFDC
Medicaid Eligibility Standard—under this heading
Two-parent Families
S 923 (H 1387)(Appr Com) ..... 427.
Working Family Funds
S 930 (H 1386)(Appr Com) ..... 428.
Appeals Changes
H 727 (Ch. 599) ..... 397, 611, 625, 631, 720, 788, 792, 799.
Block Grant Funds
Allocation of Funds
S 104 (H 160)(Ch. 6) ..... 69, 71, 79.
Child Abuse
School Report to Crime Control
S 154 (Ch&Youth Com) ..... 94.
CWEP Amendments
S 563 (Ch. 831) ..... 245, 505, 537, 999.
Domiciliary Homes
Outreach Activities Facilitator Pilot Program
S 735 (reref Appr Com) ..... 324, 396.
Family Support Act
S 391 (reref Appr Com) ..... 212, 403.
Homeless Shelter
Chapel Hill/Carrboro Shelter Funds
S 1051 (Appr Com/see H 1515-Ch. 830) ..... 491.
Insurance Advertising/Sales
H 773 (Ch. 787) ..... 587, 801, 811, 819, 966.
Medicaid/Medicare
Elderly/Disabled/Income Limitations
S 926 (H 1383)(Appr Com) ..... 427.
Eligibility for 19/21-Year-Old
S 928 (H 1382)(Appr Com) ..... 427.

SOCIAL SERVICES (continued)
Medicaid/Medicare (continued)
Eligibility Standards with AFDC
S 925 (Appr Com) ..... 427.
Equal Service/Equal Reimbursement Fees
S 1296 (Appr Com) ..... 547.
Pregnant Women/Children
S 924 (H 1385)(Appr Com) ..... 427.
Personnel, Additional Local Eligibility
S 927 (H 1384)(Appr Com) ..... 427.
Rape Crisis Center
Madison County
S 939 (Appr Com/see H 1515-Ch. 830) ..... 438.
29th Senatorial District
S 956 (Appr Com/see H 1515-Ch. 830) ..... 460.
Samaritan Colony Funds
S 1413 (Appr Com/see H 1515-Ch. 830) ..... 566.
Subrogation/Disbursement
S 849 (H J IV Com) ..... 343, 505, 829, 840, 853.
UNC-Chapel Hill Social Work Building
S 1311 (Appr Com) ..... 549.
SOCIAL WORKER [G.S. 90B]
SOIL AND WATER DISTRICTS [G.S. 139]
SOIL CONSERVATION—see **Public Health**
SOLAR ENERGY—see **Energy**
SOLES, Jr., R.C.-Senator Bladen, Brunswick, **Columbus,** Cumberland (part)-**18th District**
Absent With Leave ..... 178, 183, 237, 316, 337, 424, 900, 932, 963.
Adjournment Motion-Second ..... 237, 762, 857.
Certificate of Election ..... 6.
Committee Assignments ..... 14, 15, 17, 19, 21.
Standing-
Judiciary IV (Chairman)
Commerce (Vice-Chairman)
Agriculture—Constitution—Finance—Insurance—Rules and Operation of the Senate
Conference-
S 409 ..... 906.
S 484 ..... 993, 998.
H 77 ..... 515, 671.
H 537 ..... 736, 752.
H 785 ..... 919, 1005.
H 975 ..... 707, 987.
H 978 ..... 938, 1013.
H 1120 ..... 768.
H 1158 ..... 958, 973.
H 1187 ..... 997, 1009.
Oath of Office ..... 6.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 287, 422, 504, 505, 687, 688, 734, 919, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1271, 1272, 1273, 1274, 1275, 1343, 1344, 1345, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1489, 1490, 1491, 1548, 1549, 1550, 1551, 1552, 1553.

SOLES, Jr., R.C.-Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor ..... 32, 51, 65, 110, 113, 133, 145, 149, 155, 156, 157, 172, 173, 174, 192, 196, 198, 199, 247, 248, 249, 250, 251, 252, 340, 363, 364, 365, 371, 396, 481, 560, 561, 601, 692, 738, 741, 746, 747, 748, 882, 883, 936, 937, 1029, 1555.

SOLID WASTE—see **Public Health** (Waste)

SOMERS, Robert Vance-Senator Davidson, Davie, **Rowan-23rd District**
Absent With Leave ..... 830, 834, 841.
Adjournment Motion-Second ..... 50.
Certificate of Election ..... 6.
Committee Assignments ..... 19, 20, 21, 22, 24.
Standing-
Finance—Higher Education—Judiciary III—Natural and Economic Resources and Wildlife—Transportation—Veterans Affairs and Senior Citizens
Escorts—Miss North Carolina ..... 777.
Nomination—University Board of Governors (Tenny) ..... 749.
Oath of Office ..... 6.
Vote Recorded—H 231 ..... 735.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 98, 99, 132, 150, 151, 219, 269, 427, 520, 614.
Co-Sponsor ..... 65, 149, 196, 226, 326, 371, 456, 470, 471, 624, 657, 743, 746, 747, 748, 936, 937.

SOUTHEAST COMPACT—see **Public Health** (Hazardous Waste)

SOUTHEASTERN RADIO READING SERVICE
—see **Handicapped** (Visually Impaired)

SPEED, James D.-Senator **Franklin,** Vance, Wake (part)-**11th District**
Absent With Leave ..... 316.
Adjournment Motion-Second ..... 114, 128, 435.
Certificate of Election ..... 6.
Committee Assignments ..... 15, 16, 18, 19, 23, 24, 52, 377.
Standing-
Agriculture (Chairman)
Veterans Affairs and Senior Citizens (Vice-Chairman)
Appropriations—Appropriations on Natural and Economic Resources—Children and Youth—Education—Finance—Pensions and Retirement—Transportation
Nomination
Reading Clerk for the Senate ..... 13.
Nomination (second)-
Sergeant-at-Arms of the Senate ..... 13.
Oath of Office ..... 6.
Vote Recorded—H 231 ..... 735.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 61, 78, 167, 221, 222, 362, 363, 364, 389, 390, 558, 559, 560, 561, 639, 846, 847, 851, 911, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1471, 1492, 1514, 1515, 1516.

SPEED, James D.-Senator (continued)
Bills and Resolutions (continued)
Co-Sponsor ..... 32, 46, 47, 48, 49, 50, 95, 110, 115, 119, 128, 130, 131, 149, 156, 184, 185, 192, 193, 196, 198, 212, 233, 255, 262, 274, 283, 296, 317, 326, 340, 371, 388, 391, 396, 481, 485, 557, 624, 665, 692, 738, 743, 796, 838, 850, 883, 888, 948, 1029, 1555.
"SPEEDY TRIAL"—see Criminal Procedure
SPORTS
ABC License for Sports Club
H 1093 (Ch. 307) ..... 574, 604, 616, 623.
Athletic Funds—see **Education** (Extracurricular); Individual County
SPOUSE—see Married Persons
STANDARDIZED TEST—see Education (Test)
STANLY COUNTY—District 17—Senator J. Richard Conder
Senator Aaron W. Plyler
Albemarle
ADAP Transportation Funds
S 1168 (Appr Com) ..... 525.
Private Sale of Land
S 374 (Ch. 159) ..... 211, 250, 266, 387.
Economic Development Commission
H 708 (Ch. 185) ..... 344, 396, 410, 415.
Fire Tax District
H 672 (Ch. 558) ..... 369, 693, 698, 709, 718, 725, 772.
Inland Nongame Fishing Limits
H 427 (Ch. 99) ..... 224, 258, 274, 283.
Richfield Annexations
S 653 (Ch. 486) ..... 270, 364, 372, 468, 495, 511, 728.
Volunteer Fire Dept. Communications System
S 1312 (Appr Com/see H 1515-Ch. 830) ..... 549.
STATE AGENCIES [G.S. 143]
AOC/Community Penalties Transfer (Buncombe)
S 1185 (H 1931)(Ch. 862) ..... 527, 927, 969, 973, 978, 1007, 1018.
Attorney General Staffing Study—see **Studies** (LRC)
Commerce Department
Foreign Sales Corporation Model
S 753 (H Appr E Com) ..... 326, 970, 973.
Comparative Fault Apply to Tort Claims
S 66 (H 97)(reref Appr Com) ..... 49, 73, 146.
Comparative Fault Exemption to Tort Claims
S 65 (H 96)(H failed 2nd Rdg) ..... 48, 74, 134, 137, 142.
Departments
Human Resources—see **Human Resources**
Social Services—see **Social Services**
Library, State—see **Libraries**
STATE AUTOMOBILE—see State Personnel
STATE AWARDS [G.S. 140A]
STATE BAR—see Attorneys
STATE BOARD OF EDUCATION—see Education
STATE BOUNDARIES [G.S. 141]
STATE BUILDINGS
Art in Center for Public Television
S 276 (H 437)(Ch. 92) ..... 179, 192, 204, 283.

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Building Maintenance Study—see **Studies** (LRC)
Commission Duties
H 820 (Ch. 721) ..... 391, 792, 812, 896.
Informal Bid Limits
S 294 (Ch. 590) ..... 184, 259, 275, 281, 799.
H 444 (St Gov Com) ..... 234.
Leasing State Office Space Study—see **Studies** (LRC)
State Building Commission Created
S 292 (H 445)(Ch. 71) ..... 184, 188, 197, 210, 214, 219.
STATE CONTRACT—see **Purchase and Contract**
STATE DEBT [G.S. 142]
STATE EMBLEMS
Collard/State Vegetable
S 262 (St Gov Com) ..... 175.
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